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1764

A B.F.C.

Compendious and Accurate
T R E A T I S E
O F
F I N E S

Upon Writs of Covenant ;
A N D
R E C O V E R I E S
Upon Writs of Entry in the Post.

With ample and copious Instructions how to draw, acknowledge, and levy the same in all Cases. Being a Work performed with great Exactness, and full of Variety of Clerkship.

With an Addition of several Precedents, and many Observations, Rules and Cases concerning the Effect and Operation of Fines and Recoveries.

The Fifth Edition, Reviewed, Corrected, and now very much Enlarged.

In the S A V O R :

Printed by Eliz. Nutt, and R. Gosling, (Assigns of Edward Sayer, Esq;) for D. Browne, J. Malthoe, Benj. Tooke, W. Bears, T. Ward, T. Bickerton, and T. Woodward. 1718.

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To the Right Honourable

Sir Francis North, Kt.

Lord Chief Justice of His
Majesty's Court of Com-
mon Pleas at *Westminster*.

My LORD,

THE ensuing Precedents
being wholly applicable
to the Practice of that Court,
wherein your Lordship most de-
servedly holds the Place of
Chief Justice; and the former
Part of them consisting in
Fines only peculiar to your
Lordship's high and eminent
Office, no Person whatsoever,
except your Lordship (as Chief
Justice

The Epistle Dedicatory.

Justice of the Common Pleas) having Power, without the King's Writ, to take their Cognizance out of the Court; I humbly conceive it most agreeable (in respect of my Duty, and the Nature of the Subject) to submit them to your Lordship's Patronage and Protection.

But, my Lord, in regard there be many Precedents of Fines and Recoveries already in Print, lest I should be taxed of Plagiarism in transcribing such as have been formerly published, I humbly beg Leave to put your Lordship in mind, That what is here offered to your Lordship, and the World,

The Epistle Dedicatory.

World, was by your Lordship's signal Favour and Condescension to me first licenc'd in Manuscript ; a Favour so transcendent, that only your Lordship's bare Remembrance of it is sufficiently able to silence Detraction, and satisfy the World, that the Precedents in this compendious, though minute, Treatise, are not borrowed from any Thing already in Print.

Nay, my Lord, on the contrary it would be an Enterprize of no great Difficulty to convince the World by plain Demonstration, That these Precedents (besides the Esteem they must necessarily acquire by the Approbation

The Epistle Dedicatory.

probation of your Lordship, and the other Honourable Judges of the Court) have moreover abundantly the Advantage of all those of this Kind that hitherto have pass'd the Press, in respect of the Exactness of their Forms, Succinctness of their Method, and Copiousness of the Instructions relating to their Use and Qualifications, I question not but your Lordship (and all judicious Men) will allow to be requisite to a Book of this Nature ; and which I do assure your Lordship, are hardly to be found in the so much quoted West's Symboleographia, and not in the Compleat Clerk, though otherwise

The Epistle Dedicatory.

therwise it be a Collection
of Excellent Use and Bene-
fit.

And this Character your
Lordship well knows to be a-
greeable with the Sentiments I
had of the Manuscript when
it was first offered to your
Lordship for Licence. But
if the Zeal I have for its
Worth (out of respect to those
Great Masters of Clerkship,
who gave Formation to the Ori-
ginal) hath led me to Expres-
sions unsuitable to the Quality
and Grandeur of so Honoura-
ble a Person as your Lordship,
I humbly beg your Lordship's
Pardon for it; and that your
Lordship will believe that I
have

The Epistle Dedicatory.

*have no other Presumption in
this Address, than to be esteem-
ed,*

My LORD,

[Your Lordship's most Humble,

and most Devoted Servant,

WILLIAM BROWN.

The

The Introduction to, and Definition of, a FINE.

A Fine is of great Antiquity; yet considered as a common Assurance, is but *Fictio Juris*, though anciently it was the Composure of a real Controversie, and the end of a Suit indeed: For after the Parties had contended by Suit in Law about the thing in question, many times, they agreed at last, who should have it, and so a Fine was levied of it, and by this there was an end of the Matter. Some have writ, That there neither is nor can be provided by the Laws of the Land, any greater or more noble Security, by which any Person may make his Estate more secure; or produce a more solemn Testimony for the confirmation of his Estate, than a Fine levied in the King's Court upon Record; yet it must be allowed that in some respects a Common Recovery exceeds it, for a Fine will bar the Heir in Tail, but not him in Remainder or Reversion, but a Recovery bars them all: It is called a Fine, *quia Finem litibus imponit, & est exceptio peremptoria*; or it is called *Finalis concordia, Quia Finem ponit negotio, adeo ut neutra pars litigantium ab eo de cætero possit recedere.* Glanv. li. 8. cap. 1, 2, 3.

The Definition of Fines.

Co. Inst. 2 part, 511, 514. Co. Litt. 120, 127. Plow. 265, 357. 358. Dyer 368. A Fine may be counted the noblest Assurance, because it is said to be *de dono or concessit*, whereas a Recovery seems to be by judicial Process: 1 Co. 22. 62. They that have a Right of Reversion or Remainder expectant upon an Estate Tail, or for Life, shall have five Years after their Title comes unto them to make their Claim. Co. Inst. 2. p. 518. Note, that these Fines have

As it is now become a Common Assurance, this Definition may be given of it, viz. That it is an Instrument on Record, of an Agreement concerning Lands, Tenements or Hereditaments

[Vol. I.]

B

ments

much of their Growth and Effect from the Statutes 4 H. 7. 24. & 32 H. 8. 36. Of which and the reason, see more in the Introduction to Common Recoveries. A Fine may be levied upon a Writ of Right, or *Warrantia Chartæ, &c.*

ments duly made by the King's Licence, or by the Licence of his Justices, and acknowledged by the Parties to the same upon a Writ of Covenant, (or some such like Writ) before the Justices of the Common Pleas, or others thereunto authorized, and ingrossed of Record in the same Court, to end all Controversies thereof, both between themselves which be Parties and Privies to the same, and all other Strangers not suing or claiming in due Time.

It doth countervail a Feoffment with Livery and Seisin, and doth include all that is in a Feoffment, but is of greater Efficacy, and therefore is called a Feoffment upon Record.

By this a Man may convey his Land to another in Fee-simple, Fee-tail, for Life or for Years, and that with a Reservation of Rent also.

Note, He by whom the Fine is acknowledged is called the Cognizor, and he to whom it is acknowledged is called the Cognizee.

Of the several Kinds of Fines.

Division of
Fines.
Single Fine.

SOME distinguish Fines to be either single or double.

The single Fine is, That by which an Estate is granted by the Cognizor to the Cognizee, and nothing is thereby rendred back again by the Cognizee to the Cognizor.

Double Fine.

The double Fine is that which doth contain a Grant, or Render back again from the Cognizee to the Cognizor, as of the Land itself, or of some Rent, Common, or other Thing out of lit; many Times limiting Remainders to Strangers not named in the Writ of Covenant, and sometimes with Reservation of Rent, Clause of Distress, and Grant of the same over.

Others divide these Fines into four Kinds;

Fines.

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1. *A Fine sur Cognizance de Droit come ceo, &c.*
2. *A Fine sur Done, Grant & Render.*
3. *A Fine sur Cognizance de Droit tantum.*
4. *A Fine sur Concessit.*

A Fine sur Concessit is such a Fine as where the Cognizor is seised of the Lands contained therein, and the Cognizee hath no Freehold therein, but it passeth by the Fine; This Fine is said to be Executory, so that the Cognizee or Cognizees therein must enter, or have a Writ of *Habere facias seisinam*, according to their several Cases for the obtaining the Possession, if the Parties to whom the Estate is limited at the Time of levying such Fine, be not in Possession of the Thing granted: but if they be in Possession at such Time, there needs not any such Writ, or any Execution of the said Fine to put them in Possession; for then the Fine will enure by way of Extinguishment of Right, and doth not alter the Estate or Right of the Cognizee, however perchance it may better it.

Fine sur concessit, what.

See after for the Precedents. It begins thus:

Et est Concordia talis scilicet qd' præd. A. concessit & reddidit Tenementa præd' cum pertin' præfat' B. & hæredibus suis duran' vita ipsius A. Et præd' A. warran' Tenementa præd' cum pertin' præfat' B. & hæred' suis durante vita ipsius A.
Or thus,

Et est Concordia talis, quod præd' A. concessit præd' B. Tenementa præd', &c. habend' eid' B. pro termino vitæ suæ, &c. or to the like Effect:
See another Form after.

Fine sur Cognizance de Droit tantum, *what.*

*It is so called, for that the Words *Come ceo que il ad de son done*, or rather *ut ill' quæ idem* (the Cognizee) *habet de dono* of the Cognizor, are left out.

* If the Cognizee hath the Freehold of the Land, it is then called a *Fine sur Release*, and needs no Seilin upon it, if the Party be in Possession, as before observed.

Fine sur Done, Grant & Render, *what.*

If the Party be in Possession, it may be said to be executed, and need no Writ of Seilin; otherwise it is executory.

5 Co. 38.

Note, The Render of a Fine cannot be without Writing to any other Use.

Mo. Rep. 679.

A *Fine sur Cognizance de Droit tantum*, is also said to be *executory and much of the Nature of a *Fine sur Concessit*; it is used commonly to pass a Reversion, and then it is expressed by such Fine, that the particular Estate is in another, and that the Cognizor willeth, that the Cognisee shall have the Reversion, or that the Land shall remain to him after the particular Estate spent.

And sometimes it is used by Tenant for Life to make a Release (in the Nature of a Surrender) to him in Reversion, but not by the Word Surrender; for it is said a particular Tenant, as for Life, cannot surrender his Term to him in Reversion or Remainder by Fine, but he may grant and release to him by Fine. 44 E. 3. 36. 3 Co. 86. Dy. 216. Plow. 268. See Precedents *post*.

Note, A Fine upon a Release may not enure to an Use. Co. Inst. 3. 36.

A *Fine sur Done, Grant & Render*, is that which is called a double Fine, as is before observed, being in a manner two Fines (that is to say,) A *Fine sur cognizance de Droit come ceo*; and a *Fine sur Concessit*, both formed into one, whereby the Cognizee after a Release and Warranty made to him by the Cognizor of the Lands contained therein, doth grant and render back to the Cognizor the Lands, &c. or some Part thereof, and many Times limiting thereby Remainders to Persons that are Strangers, and not named in the Writ of Covenant: This Fine is partly executed, partly executory, and as to the first Part of it, is altogether of the same Nature with a *Fine sur Cognizance de Droit come ceo*; but as to the second Part containing a Grant and Render-back (as aforesaid) it is taken in Law to be rather a private Conveyance or Charter between Party and Party, and not as a Writ of Judgment upon Record.

See

See the Precedent after.

This Render is sometimes of the whole Fee, and sometimes of a particular Estate with Remainder or Remainders over, or the Reversion; and sometimes with Reservations of Rents with Distress, and sometimes with a Grant thereof over by the same Fine.

Note, A Render must be made upon a *come ceo, sur Release*, or other Fine executed.

A *Fine sur Cognizance de droit come ceo que il ad de son done*, single, is the principal, best and surest kind of Fine; it is said to be executed, because it doth of its own force give present Possession (at least in Law) to the Cognizee, so that he needeth no Writ of *ha' fac' seisinam'*, or other Means for the Execution thereof; for it doth admit the Possession of the Lands of which the Fine is levied to pass by the Fine, so that the Cognizee may enter, for that the Estate is thereby (in Law) in the Cognizee: That is to say, to such Uses as are declared in the Deed to lead the Use thereof; for this is a general Maxim, that unless it be declared by Deed, or otherwise, to what Use the Fine was levied, such Fine shall be and enure to the Use of the Cognizor that levied the same. This Fine is levied with Proclamations, according to the Form of the Statute 4 H. 7. ch. 24.

A Fine sur Cognizance de Droit come ceo, &c. *what.*

This is a Feoffment upon Record, and doth imply in it the Livery and Seisin.

Pract. Regist.

148.
Benl. Rep. 134.

See the Precedent of this after.

Also a Fine is either with Proclamations or without Proclamations, and executed or executory. That without Proclamations is termed a Fine at the Common Law, and is levied in such manner as was used before 4 H. 7. 24. which still remains of such Force as they were at the Common Law, to discontinue the Estate of the Cognizors if they be executed.

Dyer 216. p. 54.
Plow 265. b.

That with Proclamations, is term'd a Fine according to the Statutes 1 R. 3. 7. 4 H. 7. 24. And such a Fine is every Fine (that is pleaded)

Proclamations.
32 H. 8. 36.
31 El. cap. 3,

3 Cro. 692.
Election.

intended to be, if it be not shewed what Fine it is. And these Fines with Proclamations are the best Sort, and most used; and it is said to be in the Election of the Cognizee to have it with or without Proclamations; and if there be Error in the Proclamations, yet the Fine shall be taken as a good Fine at Common Law without Proclamations. *Jenk. Cent. 6. Case 53. 2 Co. Inst. 519.*

Executed or
Executory.

A Fine also with or without Proclamations is either executed or executory: Executed, is such a Fine as of its own Force gives present Possession, as a *Fine sur Cognizance de Droit comece*: And in some Respects a *Fine sur Release*, Confirmation or Surrender is said to be executed.

Executory does not execute a Possession without Entry or Action, as a *Fine sur Cognizance de Droit tantum*, when the Cognizee hath no Freehold, &c. *sur Concessit, sur Done, Grant & Render*, and requires a Writ of Seisin, unless the Party be in Possession of the Lands, as before observed.

And Note, That almost any Kind of Contract may be made and expressed by a Fine, as it may by a Deed in the Country; and therefore it may be so made, That one of the Parties shall have the Land, and the other a Rent out of it, and that one shall have for one Time, and another for another Time; By a Fine also a Lease for Years, or a Jointure for a Wife may be made; and by a Fine a Gift in Tail, and a Remainder over may be limited and created. *1 Co. 76.*

Also an Heriot may be reserved with Clause of Distress.

Of the Parts of a Fine.

A Fine is said to be made up of five Parts.

1. The original Writ against the Cognizor.
2. The Composition or King's Licence to alienate.
3. The Concord.
4. The Note of the Fine.
5. The Foot of the Fine : And to this may be added a sixth Part, if the Fine be to be levied with Proclamations.

As to the first, The Writ of Covenant is the usual Writ Original, taken out by the Cognizee or Cognizees, against the Cognizor or Cognizors to the Fine, for without an Original a Fine cannot be levied ; yet a Fine may be levied upon any Writ of Right, or other Writ whereby Land is demanded, or recovered. It begins thus :

1.
Writ of Covenant.

Midd' *Præcipe* A. B. *qd' iuste, &c. teneat, &c.*
D. *Conventionem, &c.*

The Composition or King's Licence to alienate the Land, for which the King hath a Fine or Sum of Money, which is called the King's Silver.

2.
King's Licence.
and Silver.

The Concord or Agreement between the Parties that intend the levying the Fine, wherein is declared how, and in what Manner the Things contained in the Writ shall pass ; and as the Writ of Covenant is the Foundation, so this is the Substance of the Fine.

3.
The Concord.

And Note, That if the King's Silver be entered, and endorsed upon the Writ of Covenant by the Clerk for that Purpose, although the Cognizor die before the Fine come to the Chirographer, yet is the Fine good for the other two Parts, viz, The Note, and the Foot of the Fine are but Abstracts taken out of this. It begins thus, viz.

Et est Concordia talis scilicet qd. præd. A. recogn. Tenementa præd. cum pertijn. esse jus ipsius B. &c.

^{4.}
The Note of
the Fine.

The Note or Abstract is taken out of the Writ of Covenant and Concord by the Chirographer before it be engrossed. It begins thus,
Int' A. B. Quer. & C. D. deforcientem, &c.

^{5.}
The Foot of
the Fine.

The Foot of the Fine includeth the whole Fine; The Parties to the same, the Thing granted, the Day, Year and Place, and before whom the Concord was made: And this is called the Foot, because it is the last Part of the Fine; and when this is done, the Fine is engrossed of Record, and the Indentures made by the Chirographer, and delivered for the Party to whom the Cognizance is made, and then is the Fine said to be engrossed.

5 Co. 38, 43.
Co. 2. Inst. § 14.

Poph. 63.
Moore Rep. 356.

Next we must consider the Proclamations made upon the Fine, which although they be not the essential Parts of the Fine, yet upon every Fine made according to the Statute they must be made, and being made, they do make a Bar accordingly to what doth pass.

Proclamations.

These Proclamations were appointed first by the Statute 1 R. 3. 7. (though afore that Time by the Statute *de Finibus levatis*, Fines were openly to be read at two certain Days in the Week (by the Discretion of the Justices,) and by this

This Statute of Richard the third, Fines at the Common Law have the same Force they had before, and might be levied according to that Statute, or the Common Law, at the Election of the Parties. See the Statute,

The Proclamations were to be made four several Days in each Term, during four succeeding Terms, by the Statute 1 R. 3. 7. 4 H. 7. 24. See the Statute,
32 H. 8. 36. But by the Statute 31 El. 2. Fines in the Common Pleas shall be proclaimed four Times only, viz. Once in the Term wherein the Fine is ingrossed, and once in each of the three Terms then next following.

If any Proclamation be made upon a Sunday, it is Error, because it is not *dies Juridicus*.
Dyer 128.

Who may be Cognizors.

HAVING considered a Fine in all its Parts; we come next to observe who may be Cognizors and Cognizees in Fines, and by what Names.

Such Persons either Male or Female, or Bodies Sole or Corporate, that may lawfully grant by Deed, may be Cognizors in Fines. All Persons that may lawfully grant by Deed, may be Cognizors.

But yet there ought to be great Care taken, that many of them are such, who may not be admitted to levy Fines; as an Infant, a Woman Covert, an Ideot or Lunatick, one that is blind, deaf and dumb, one that is doting in old Age, or wants Discretion, or one that is much in Drink, or compelled by Duress or Imprisonment; it is left therefore to the Discretion of the Judges or Commissioners whom to admit; for though many of these have the Liberty of Exception against such a Fine, yet it may happen not to be in their

4 Co. 124.

12 Co. 124.

Co. Lit. sect. 731.

their Power to avoid it, *Fieri non debet, sed factum valet*, of which more hereafter.

Corporations.

2dly, Such Corporations Civil, as have an absolute Estate in their Possessions, belonging to their Corporations, as a Mayor and Commonalty, &c. may together, and with a joint Consent levy a Fine of the Land belonging to their Corporation, as a single Person may do; but no one of the Corporation, though he be the Head thereof, nor any of the Members, without the general Consent of the whole Corporation, can levy a good Fine.

Spiritual Person.

21 Ed. 4. 13.
Plowd. 11, 78,
122, 124. 538,
575.
11 Co. 78.

Also Bishops, Deans and Chapters, Heads and Fellows of Colleges, and such like who have any Estate of Freehold in Ecclesiastical Lands in Right of their Churches, &c. are forbidden and restrained by divers Acts of Parliament from levying any Fines of their Lands belonging unto them; but of the Lands such Persons have in their own Right, they may levy Fines as other Persons may do.

Tenant in Tail of the King's Gift.

Also he that hath an Estate-Tail of the King's Gift or Provision, cannot levy a good Fine of it to bind the King, or to bind the Issue in Tail, by 32 H. 8. cap. 28.

Intruder upon the King.

Also a Fine levied by the Heir, that is an Intruder upon the King's Possession, is void. 1 H. 7. 5. 24 Ed. 3. 65.

Lands prohibited by Act of Parliament.

Also Fines levied of any Lands, prohibited to be sold by Act of Parliament, are void. Stat. 32 H. 8. cap. 36 and 28. And he that hath an Estate in Fee-simple in Land in the Right of his Wife, is forbidden to levy a Fine without her. *Ibidem*.

By Husband of the Wife's Land.

Void Fine.

So that the Persons that levy a good Fine, must be such, and must have such an Estate in the Land, as they are not prohibited by any Law to levy the Fine, otherwise the Fine will be void.

But

But Persons who are outlawed, or waved Persons out-lawed.
in personal Actions only, may levy a Fine.

And Persons attainted of Felony or Treason Attainted of Felony or Treason.
may levy by Fine, and it will be good against them and all others, except the King, and the Lord of whom the Land is held. 17 Ed. 3. 52. 17 Aff. pl. 17. 21 H. 7. 7. 9 H. 6. 20. 8 Aff. 25. Therefore Care ought to be taken how such Fines are levied.

A Joint-tenant, Tenant in Common, or Joint-tenant, Partner, may levy a Fine of the Land so held or. by him, to a Stranger, or to another Joint-tenant, Tenant in Common or Partner. 26 H. 8. 9. Dyer 69. 334. Plow. 338, 378. 11 E. 4. 68.

Also Tenant in Fee simple, in Remainder or Reversion.

Tenant for Life, it's said, may levy a *Fine sur Tenant for Life.* Grant & Release, of the Lands which he holdeth for Life, to hold to the Cognizee for Life of the Tenant for Life. 44 Ed. 3. 36. But if the Estate be larger, it is a Forfeiture of his Estate, 4 H. 7. Noy 30.

And so the Law is the same of such Fines by Tenant in Tail, after Possibility, Tenant in Dower or by the Courtesy. 39 E. 3. 16.

But it seemeth to be no Forfeiture of a Rent. 2 H. 5. 7.

Who may be Cognizees.

ANY Person that hath a Capacity to take All Persons having Capacity to take by the Grant of a Deed may be Cognizees. by the Grant of a Deed, so as to be a good Grantee, such a Person may be a good Cognizee in a Fine. So any Man or Woman, Sole or Covert, of full Age or under Age; any mad or lunatick Persons, Idiot, or Man *de non sane memory*; so any Man in or out of Prison, or

50 Ed. 3. 9.
3 H. 6. 42.
24 Ed. 3. 62.

Corporations.

or beyond Sea, any Person attainted of Felony or Treason, or outlawed in a personal Action, a Bastard, a Clerk convict, an Alien, any of these may be a good Cognizee, and take by a Fine as well as by a Deed; and a Fine levied to any such Person will be good.

So Corporations Spiritual and Temporal, Civil or Corporal, may be Cognizees in Fines, and Fines levied to them will be good.

But before the ingrossing of such a Fine, there goeth always a Writ to the Justices of the Common Pleas, *Quod permittant Finem ill. leveri.*

Infant and
Feme Covert.

If an Infant or Feme Covert be to take by Fine, he or she need not be examined, as when they are Conusors in a Fine. 24 E. 3. 62. 3 H. 6. 41.

Persons civilly
dead.

Persons who by our Law are accounted civilly dead, as Monks, Friars, and the like, may neither be Cognizors nor Cognizees in Fines, nor will a Fine levied by or to any of them be good. 22 E. 4. 4. 15 E. 4. 21. 5 H. 7. 25. 19 H. 6. 25.

And Note,

That a *Fine sur Cognizance de Droit come ceo, &c.* may not be levied to any Person, but to one that is Party to the Writ of Covenant; yet a Vouchee after he hath entred into the Warranty to the Demandant, it's said, may confess the Action, or levy a Fine to the Demandant; for he is then supposed to be Tenant to the Land. So a Fine or Release from the Demandant to the Vouchee is good, and yet they are not Parties to the Writ; but a Fine levied by the Vouchee to a Stranger is void.

3 Co. 29.
7 Ed. 4. 13.
5 H. 7. 40.

By what Names Cognizors and Cognizees
may give and take in a Fine.

Cognizors and Cognizees, in Fines, ought to be called by their right Names of Baptism and Surname; and if there be two of one Name, it is most proper and safe to distinguish them by the Distinction of Elder or Younger, and the like.

Two of one Name.

But Kings, Queens, Princes, Dukes, Marquesses, Earls, Viscounts or Barons are seldom named by their Surname, but by their Christian Name and Dignity; as *Jacobus Rex Angl. Carolus Princeps Wallie, Johannes Dux Lancastrie, &c.*

Names of Dignity.

But Knights, Esquires and Gentlemen are called by their Christian Name and Surname, together with their Additions of Honour; as *A. B. Bar. C. D. Mil. E. F. Armig. G. A. Gen. &c.* And the Addition of Bishop, Dean, Prebendary, &c. it's said, are rather used out of Courtesy than Necessity, for the Fine may be good without them. 21 E. 4. 8. 1 Aff. pl. 11. 7 H. 4. 22. 14 H. 6. 15. 1 Brownl. 30.

Titles of Honour.

A Corporation or Fraternity must be described by the very true Name of the Corporation, as it is named in the Charter and Foundation of it. 11 H. 4. 44. 12 H. 4. 20. 7 H. 6. 27. 37 H. 6. 29.

Corporation, how to be named,

Some small Difference in a Name, it's said, will not hurt; as *Margery* for *Margaret*, *Agnes* instead of *Anne*; yet a Fine levied to *A.* and *Sibel* his Wife, where her right Name was *Isabel*, was held void. 1 Aff. pl. 11. Bro. 344.

Small Difference in a Name hurteth not.

But

Wife named
wrong.

But if a Fine be levied by a Man and his Wife, and the Wife is named wrong, it's said this Fine shall bind her by Estoppel. *Bro. 344. Case.*

Wife misnamed.

Yet if a Woman have two Husbands living, and with her second acknowledges a Fine by his Name, this Fine it seems is void; but if a Woman levy a Fine with her right Husband, and by a wrong Christian Name, she cannot avoid such a Fine. *Bro. Fines 17. 1 Aff. pl. 7. 7 H. 4. 22.*

Feme sole
marry before
the Day in
Bank.

If a Feme sole after the *Teste* of the Writ of Covenant, and *Dedimus potest.* to take the Cognizance of a Fine of her, and before the Day in Bank to record and ingross it, marry, yet the Fine shall be good and recorded by the Name she had when sole; but her Death at such Time will make the Fine void.

Death before
Day in Bank.

By what Names the Parcels may pass and be placed.

NEXT we must consider by what Names the Things whereof the Fine is to be levied, may pass, and how the Parcels are to be placed therein.

A Fine may be levied of all Things, whereof either a *Præcipe quod reddat*, or a *Præcipe quod faciat*, or a *Præcipe quod permittat*, or a *Præcipe quod teneat*, lieth: It may be levied of Things Ecclesiastical or Temporal that are inheritable and *in esse* at the Time of the levying of the Fine: So a Fine may be levied of an

Honour,
Manor,
Island,

Barony,

Mill,
Toft,
Curtilage,

Dove-

Barony,
Castle,
Messuage,
Cottage,
Meadow,
Pasture,
Wood,
Underwood,
Chapel,
River,
Chauntry,
Parsonage,
Rectory
Advowson,
Vicarage,
Tithes impropriate,
Estovers,
Foldage,
Corody,
Office,
Fishing,
Warren,
Fair,
Mine,
View of Frankpledge,
Waif,
Stray,

Dove-house,
Garden,
Orchard,
Land,
Felons Goods,
Deodand,
Hospital,
Furzes,
Heath,
Moor,
Rent,
Common,
Hundred,
Way,
Ferry,
Franchise,
Seigniorie,
Reversion,
Toll,
Tollage,
Picage,
Pontage,
Acquittal,
Services,
Portion of Tithes,
Oblations, and the like.

But a Fine levied of ancient Demefne Lands will not be good. See *West. Symb. Part 2. Stat. 2 H. 8. cap. 7. 8 Co. 145.*

Many of these may be granted together in one Fine; as 50 Messuages, 40 Tofts, 500 Acres of Land, and 50 Shillings of Free Rent, as Occasion requires. Many of one Sort granted.

So of a Dove-house, 3 Gardens 2 l. 6 s. 4 d. Rent. Rent, and of the Rent of four Capons, one Pound of Wax and the like, all in one Fine. *2 Co. 45. 6 Co. 67. 7 Co. 38.* De.

Demefnes.

Demefnes, Rents, Seigniories, Courts, Pleas, &c. whereof a Manor confisteth, pafs by the Name of *Manerium cum pertinentiis*. 3 Inst. 5 12.

The Nature and Quality of the Things.

The Nature and Quality of the Things muſt alſo be obſerved ; as Land, Meadow, Paſture, &c. and the Place where they lie.

More worthy Things firſt.

The more worthy Things muſt be put firſt, as a Caſtle before a Manor, a Manor before a Meſſuage, a Meſſuage before Land, Arable before Meadow. *Plow.* 168. 7 H. 6. 39.

Things general.

Things General before Things Special, as before Meadow, Paſture, Wood, Heath, Marſh, &c. muſt be placed Land, that being the *Genus* thereto.

So *Bofcus* muſt precede *Alnetum*, *Salicetum*, &c. as Wood is the *Genus* to Wood Ground.

For the placing of Particulars in a Writ of Covenant, is in all Things as in a *Præcipe quod reddat* of Lands.

Reg. Orig. f. 2.

And for this there is a Rule in the Register, which is thus ſet down after this Manner.

fuagium,	um,	endinum,	umbate,
Mef	Toft	Mol	Col
dinum,	ra,	tum,	tura,
Gar	Ter	Pra	Paſ
	ria	cus	tum,
Mora,	Junca	Marif	Alne
	ditus,		Pif
Red	Sectare	Priora.	

Intire Things.

Alſo intire Things muſt be ſet before their Parts ; as *de Manerio de C. & Medietat. Manerii de B. cum pertin.* &c.

Things excepted muſt be laſt placed,

Parts of Things excepted, muſt ſucceed thoſe Things out of which they be excepted ; and if there be divers Parcels in one Writ, that Parcel out of which the Exception is to be made, ought to be laſt placed ; as thus, *De Manerio de*

*cum pertin. in C. Except. uno Mesuagio, dila-
tus Acris Terra & Advocacione Ecclesie de C.
Regist. Orig. fol. 6. See after.*

And every Thing excepted ought to be cer- Things except-
tainly named, but it needeth not to say *cum* ed, certainly
continentiis, after the Thing excepted. 40 E. 3. 35. named;

And the Exception must always be of such Of what the
Things as will lie in the Writ, *Regist. Origin. 228.* Exception
29. and of such a Thing as is comprehended must be.

in the Writ, and it is after this Manner: *Præcipe
A. B qd. juste, &c. ten. C. D. Convention. &c.
de uno Mesuagio, uno Cottagio & medietat. unius
Mesuagii & decem acr. terræ cum pertin. Except.
una acra Terræ in E. &c.* and when come to the
Concord, you say, *Et est Concordia talis scilicet
qd. præd. A. recogn. Tenementa præd. cum pertin.
(Except. præexcept.) esse jus*, but more concern-
ing the Concord hereafter.

Also observe that where the original Writ
of many Things, they must be expressed
thus, suppose it were of a Manor, House,
Rectory, &c.

First, *De uno Manerio*, secondly, *Ac de Re-* The Words for
ctoria; thirdly, *Necnon de Mesuagio*; for the the dividing of
fourth Thing, *Acetiam*; for the fifth, *Præterea*; eight.
for the sixth, *Ac ulterius*; for the seventh, *Ac-
etiam*; and for the eighth, *Ac insuper*, and if
there be more, then to begin again.

1 *De*, 2 *Ac*, 3 *Necnon*, 4 *Acetiam*, 5 *Præ-* And to be re-
terea, 6 *Ac ulterius*, 7 *Acetiam*, 8 *Ac insuper.* peated, viz.

Again, Observe that certain and apt Words
must be used to express the Things to pass by
the Fine; for a Fine levied *de Tenemento*, or *de
hereditamento*, or *de duobus Tenementis*, is void,
or at least voidable for Error, because of the
uncertainty and unaptness of the Words. 1 Cro.
96. Leon. 188.

Unapt Words.

For the proper Word to exprefs a Tenement or Hereditament in a Fine is *Mefuagium*, as *de uno Mefuagio*, or *duobus Mefuagiis*, &c.

How a Manor may pafs.

One Manor may alfo be Parcel of another Manor, and pafs by the Name of that Manor, 20 *Aff. pl. 54.*

Castle, Honour or Hundred.

Alfo a Castle, Honour or Hundred may be Parcel of a Manor, and pafs by the Name of the Manor whereof it is Parcel; or it may pafs by its own proper Name, as *de Caftello de A. cum pertin.* or *de Hundred. de A. cum pertin.* or *de Honore de A.* 1 E. 3. 4. 2 E. 3. 36. 20 *Aff. pl. 54.*

The Parifh, Town and County, &c.

Alfo the County, Town, Parifh or Hamlet where the Things lie that are intended to pafs by the Fine ought to be certainly named. In 2 Cro. 120. *Stock and Fox's Cafe*, it is faid, That if there be two Towns, *Walton* and *Street*, in the Parifh of *Street*, and a Fine is levied of fuch Lands in *Street*; in this Cafe the Lands in *Walton* will not pafs by this Fine, *Walton* being a diftinct Town or Village by it felf; and although *Street*, the Parifh, comprehend both, yet in the Fine the Lands in *Walton* fhall not be faid to be comprifed, unlefs *Walton* had been a Hamlet of *Street*, and that the Fine had been levied of Lands in the Parifh of *Street*, then all would have paffed well enough.

Example.

Several Towns of the fame Name.

If there be divers Towns of own Name in the fame County, it is beft to make an Addition for Difinction.

Manors extending into feveral Towns.

If a Manor extend it felf into divers Towns as *A. B. C.* it is the beft and fafeft to Name all the Towns, or none of them at all, as *de Manerio de S. in A. B. & C.* or *de Manerio de S. cum pertin.* for if any one of the Towns be omitted none of the Manor in that Town will pafs but it feems that if the Manor be only named

and not said in what Town it doth lie, the Fine may be good. 9 E. 4. 6.

Also where divers Manors be of one Name, with Distinction of North and South, as *North S.* and *South S.* it is good in all the Proceedings of the Fine, to express which of the Manors is intended to be passed. 1 Cro. 196. Bro. Fines 44, 91.

Several Manors of the same Name.

When a Fine is but for the Presentation to a Church only, it must be *de Advocatione Vicariæ Ecclesiæ de S.* and not *cum pertin.* and of Vicaridges endowed, the Writ must be *de Advocatione Vicariæ Ecclesiæ de S.* and not *cum pertinentiis*. And where the Vicaridge is not endowed, it must go under these Words, *De advocatione Ecclesiæ de S.* and Parsonages, Rectories, Advowsons, Vicaridges and Tithes impropriate pass not by the Words, *De Advocatione Ecclesiæ*, but by this, *de Rectoria Ecclesiæ de S. cum pertin.* West. Symb. 2 Part.

Fine of a Presentation.

Vicaridges endowed.

Not endowed.

Parsonages, Rectories, &c.

Highwood and Underwood may pass by the general Name of Wood, as *de viginti Acr. Bosci*, West. Symb. 2 Part.

Highwood and Underwood.

House-boot, Hay-boot and Plow-boot by the Name of Estovers, as *de rationabili Estoverio in Boscis, viz. in decem Acris Bosci ipsius A. in D.* West. ibid.

House-boot, Hay-boot, &c.

A Fishing may pass by the Name of *separali Piscaria in aqua de S.*

A Foldage may pass by the Name of *de li. bertat. unius Faldagii & Cursu Ovium cum pertinent. in F.* or *de libero Faldagio Ovium cum pertin. in F.* or *de libera Falda.* West. Symb. 2 Part.

A Foldage.

A Chapel or Hospital will pass by the Name of a Messuage. 13 Ass. 2.

A Chapel.

Messuagium is a Dwelling-house.

Curtilagium, a Garden or Yard near or belonging to a *Messuage*.

A Toft is a Place wherein a *Messuage* hath stood.

Part of intire Things.

Manor divided.

Messuage, &c. divided.

Molendinum.

Land demanded, how.

So by the Name of a *Messuage*, with the Appurtenances may pass a House, with a Shop, Curtilage, Garden, Orchard, also a Dovehouse and Mill, as Parcel thereof. *Bract. lib. 5. cap. 28. sect. 1. Plow. fol. 169, 170, 171.*

So by the Name of Cottage, a Toft, a Chamber, a Cellar, &c. may pass, and yet these also may pass alone by their own single Names of *de uno Mesuagio, uno Curtilagio, &c. West. ut supra.*

Part of an intire Thing may pass by the Words *de medietate, de tertia parte, or de duabus partibus in tres partes dividend.* (as the Case requires) so *de Medietate omnium decimarum Granorum & Fœni ac Terræ vocat. B. cum pertin. in H.*

But if an intire Thing, as a Manor, or *Messuage* be parted, as if the Manor of S. be divided into two Parts, and the Division be so made, as that the Manor for that Part be not extinct, and a Fine is to be levied of Part of it; it must pass by the Name of the whole, as *de Manerio de S.*

So if a *Messuage* and 23 Acres of Land be parted, the Part divided may pass by the Name of one *Messuage*, and ten Acres of Land and not *de Medietate unius Mesuagii & viginti & trium acrarum terræ.*

Molendinum is good without adding *ventriticum*, or *aquaticum* or *granaticum*, yet the latter is most usual. 44 E. 3. f. 13.

Land may be demanded by a certain Number of Acres, as *de decem Acris Terræ, viginti Acr. Prati, ducent. Acr. Pasturæ, &c.* or by the certain Measure of the superficial Quantity thereof, as *de Hida, Carucata, Bovata, Virgata Acra, Roda, Furlingo Terræ, &c.*

In like Manner *Boscus, Subboscus, Bruera, Boscus, Subbos-*
Mora, Funcaria, Mariscus, Alnetum & Rusca-
cus, &c. may be demanded by the Number of
 Acres thereof. 16 *Aff.* 9.

Turbary may be demanded by the Name ^{Turbary.}
 of *Mora*, Rent, by the Number of the Things,
 or that which is to be rendred; as *decem Libr.*
decem Marc. duodecim Solid. sex Denar. un. Obol.
&c. 21 *E.* 3. 44.

But Note, That it is usual in Fines to com- More Acres
 prehend more Numbers of Acres than are in- contained in
 tended to pass, and this will not hurt; for in the Fine than
 each Case no more shall pass than what is intended to
 intended and agreed upon between the Parties, pass.
oph Rep. 105.

See more for these Things in *West.* 2 Part.

Of the Concord of a Fine.

HAVING considered the placing of Parcels How the Parti-
 in Fines, and by what Names, which in culars are to be
 drawing of Concords are recited in the *Præcipe*, named in the
 being the Head or Title thereof, and are to be Concord.
 in the same Order and Words, as are to be
 in the original Writ, being the Recital and Di-
 rection thereof; let us next examine and con-
 sider the Concord it self.

In the Concord the Particulars or Parcels Things not re-
 need not, nor are used to be recited over cited again.
 gain, as in the *Præcipe* for the Writ of Cove-
 nant, (or in any other original Writ where-
 in the Fine is to be levied;) but it will be
 sufficient to say,

Et est Concordia talis scilicet quod A. recogn.
tenementa præd. cum pertin. esse jus ipsius B. &c.

And by these Words, *Tenementa præd.* any Number or Quantity of distinct Things or Parcels will be well enough expressed.

Things recited again.

But if the *Præcipe* be of intire Things by themselves, as *de Manerio*, or *Maneriis cum pertin.* in A. then must you say in the Concord.

Et est Concordia talis scilicet quod præd. A. recogn. Manerium, or *Maneria præd. cum pertin. esse jus, &c.*

Example.

Neither will Messuages named by themselves in a *Præcipe*, pass by the Word *Tenementa* in the Concord; also an

Honour,
Castle,
Island,
Barony,
Hundred,
Borough,
Knight's Fee
The scite of a Manor,
A Park,
Prebendary,
Rent,
Common,
A Warren,
Fishing,
Rectory,
Tithes,

Oblations,
Toll,
Stallage,
Pontage,
View of Frankpledge,
A Liberty,
Franchise,
Office,
Bailiwick,
Fair,
Market,
Passage,
The Moiety or Part of
an intire Thing,
Wreccum Maris,
The Advowson of a

Church or Portion of Tithes must be particularly named in the Concord, as well as in the *Præcipe*.

The End and Intent of a Fine.

Next we are to consider the End and Intent of the Fine, which is to pass a Right, and limit Estates from one to another.

How the Right is to be limited.

And this appears by the Concord thereof, in which it is to be noted, That though there be divers Cognizees, yet the Right shall be limited to one of them only, and the Estate limited

mitted to his Heirs only whose Right it is acknowledged to be. See *West. Symb. tit. Fines.*

H. 6. 42. 24 E. 3. 64.

(As thus,) A. is Cognizor, B. and C. Cognizees. Example.

Et est Concordia talis scilicet quod præd. A. recogn. Tenementa præd. cum pertin. esse jus ipsius B. et ill. quæ iidem B. & C. habent de dono præd. A. Et ill. remisit & quiet. clam. de se & hæred. suis præfat. B. & C. & Hæredibus ipsius B. imperpetuum. Et pro hac, &c.

It is also said, That the Release and Warranty must be by one of the Cognizors, and from him and his Heirs only; for in a Fine from divers, the Fee must be supposed to be in one of them only, *21 E. 3. 33.* but I find the Use generally otherwise.

Concerning the Release and Warranty.

Indeed in a Fine from a Man and his Wife it seems sometimes to that Purpose, as thus,

From Husband and Wife, the Fee being in the Husband.

Præcipe A. B. & C. ux. ejus quod iuste. &c. Ten. D. Con. &c.

Et est Concordia talis scilicet quod præd. A. & C. recogn. Tenementa præd. cum pertin. esse jus ipsius D. ut ill. quæ idem D. habet de dono præd. A. & C. Et ill. remisit. & quiet. clam. de ipsis A. & C. & hæred. ipsius A. præfat. D. & hæred. suis imperpetuum. Et præterea iidem A & C. concesser. pro se & hæred. ipsius A. quod ipsi warr. præd D. & hæred. suis præd. Tenementa cum pertin. contra ipsos A. & C. & hæred. ipsius A. imperpet. Et pro hac, &c.

Præcipe A. B. & C. ux. ejus quod iuste, &c. Tenant D. Con. &c.

Et est Concordia talis scilicet qd' præd. A. & C. recogn. præd. Tenementa cum pertin. esse jus ipsius D. ut ill. quæ idem D. habet de dono præd. A. & C. Et ill. remisit. & quiet. clam. de ipsis A. & C. & hæred. ipsius C. præfat. D. & hæred. suis imperpetuum. Et præterea iidem A. & C. concesser. pro se & hæred. ipsius C. quod ipsi warr. præd. D. & hæred.

From the Husband and Wife of the Wife's Land.

red. suis præd. Tenementa cum pertin. contra præd. A. & C. & hæred. ipsius C. imperpetuum Et pro hac, &c.

And so it may be from two others, the Fee being in one of them.

But generally where there are divers Cognizors in a Fine, the Release is from them and their Heirs ; as thus : By Husband and Wife, and the two other Conusors or two Conusees.

Release from
the Cognizors
& hæred. suis.

Et est Concordia talis, scilicet quod præd. A. B. C. & D. recogn. Tenementa præd. cum pertin. esse jus ipsius E. ut ill. quæ iidem E. & F. habent de Dono præd. A. B. C. & D. Et ill. remis. & quier. clam. de ipsis A. B. C. & D. & hæredibus suis præf. E. & F. & hæred. ipsius E. imperpetuum Et præterea iidem A. B. C. & D. concesser. pro se & hæred. ipsius A. quod ipsi War. Tenementa præd. cum pertin. præfat. E. & F. & hæred. ipsius E. contra omnes homines imperpet. Et pro hac, &c.

Warranty General.

Warranty Special.

Several Warranties.

Or if the Warranty be special, thus, *A. B. C. & D. Et hæred. ipsius A. imperpetuum.*

And in these Cases each of the Conusors may warrant apart if they will, and one may give a general Warranty, and the other a special Warranty ; and 'tis the usual Practice to warrant apart where there are divers Cognizors, as thus, in the former Case.

Example.
First from A.
and B. Husband
and Wife.

* Or, *Et insup.*

† Or, *Et ulterius.*

*Et præterea iidem A. & B. concess. pro se & hæredibus ipsius A. qd. ipsi war. Tenementa præd. cum pertin. præfat. E. & F. & hæred. ipsius E. contra præd. A. & B. & hæred. ipsius A. imperpetuum Et * ulterius idem C. concessit pro se & hæredibus suis quod ipsi War. Tenementa præd. cum pertin. præfat. E. & F. & hæred. ipsius E. contra præd. C. & hæred. suos imperpetuum Et † etiam idem D. concessit pro se & hæredibus suis quod ipsi War. Tenementa præd. cum pertin. præfat. E. & F. & hæred. ipsius E. contra præd. D. & hæred. suos imperpetuum Et pro hac, &c.*

And

And so of the like by these Words, *Et præterea, Et insuper, Et etiam, Et ulterius, Et denique, &c.* as you may observe in the following Precedents.

And Note, That Lands bought of divers Persons, by several Purchasers, may well pass in one Fine, and then the Writ of Covenant must be brought by all the Vendees against all the Vendors, and every Vendor must warrant against him and his Heirs only. And these joint Fines are seasonable when the Purchases are of small Value. See after a *Præcipe* and Concord, where one Cognizor warrants one Part, another another Part, and another another Part.

Several Purchases in one Fine.

And Note farther, That one Concord may be of Lands in several Counties, and the Fine *pro Licentia Concord* of all extracted entirely; but there must be several Writs of Covenant returnable all at one Day. *Dyer f. 227. pl. 24.* See *West. Prec. Tit. Fines.*

Several Writs of Covenant, and when.

How Fines are to be levied, and before what Persons.

THE Persons are either such as take the Cognizances of Fines, or the Person to whom such Cognizances are certified.

Who may take the Cognizances of Fines, and certify them, &c.

Some Persons may take Cognizance of Fines, *ex Officio*, and by Vertue of their Office.

Others must be authorized thereto by Commission, else they cannot do it.

Ex Officio, The Lord Chief Justice of the Court of Common Pleas hath Power to receive and certify the Acknowledgment of all manner of

Ex Officio.

of Fines without any Commission as well in Courts as out; also two of the Justices of the same Court, have Power so to do in open Court. *Fenk. Cent. 4. Case 28.*

By Commission.

As for others they take them by Commission, either General or Special, issuing out of the Chancery. So Justices of Assize, who are by Commission, may do it by the general Words of their Patent, yet they do not use to certify them without a special Writ of *Dedimus Potestatem*. *Dyer 224, 377. 2 Co. Inst. 512, 513, 514. West. Symb. 2 Part. Bro. Fines 120. Fenk. 4. and 28.*

Dedimus Potestatem.

Certificate after *Dedimus*.

Also Judges of both Benches, and Barons of the Exchequer, do usually take the Cognizances of Fines before a *Dedimus Potestatem* sued out, and afterwards to certify the same upon the *Dedimus*, *Fenk. ut supra, & Cent. Case 3.*

Country Commissioners.

But besides these, there are other Commissioners, who are impowered by a *Dedimus potestatem* directed unto them for that Purpose; and they ought to be honest and understanding Gentlemen, usually living about that Part of the Country, or Place where the Cognizors dwell, who are to acknowledge the Fine before such Commissioners, one whereof must be a Knight.

One to be a Knight.

This Writ of *Dedimus* doth surmise, that the Parties who are to acknowledge the Fine, are not able to travel to *Westminster* for the doing thereof; and therefore the Commissioners are authorized to take their Cognizance, and this they may take from them altogether at once, or asunder, at several Times and in several Places as they please, as you may see by some of the Precedents at the later End.

But if the *Dedimus* be to two jointly to do Cautions.
one of them in this Case ought not to do
alone; or if it be to three jointly, two of
them ought not to do it, for it will be Error;
therefore care must be taken concerning their
joint and several Power; so if one of the
cognizees be one of the Commissioners, and
he himself take it, it is Error. *Fitz. N. B.*
46, 147. *Dyer* 220. *1 Cro.* 249. See *Forma*
placitandi, *Tit. Errors Assign.*

How to sue out a Fine before the Lord Chief
Justice of the Common Pleas.

First draw your *Præcipe* fairly in Paper, thus:

Wils' ff. **P***Ræcipe Willielmo Owen quod juste, The Præcipe.*
&c. teneat Samueli Potter Con-
ventionem, &c. de uno Mesuagio duobus Gar-
linis, viginti Acris Pasturæ cum Pertin. in S.
Et nisi, &c. Then write the Concord, as un-
der observe. *

Then ingross it fairly in Parchment with the *Note, The*
Concord; many Forms whereof you will *Paper Copy is*
find in this Treatise, as the Case requires, *to remain with*
the Clerk of
suppose it thus, *viz.* *the Fines.*

* *Et est Concordia talis scilicet quod præd. Wil-* *The Concord.*
ielmus recogn. Tenementa præd. cum pertin. esse jus
ipsius Samuelis ut ill. quæ idem Samuel habet de
Dono præd. Willielmi, Et ill. remisit & quiet. clam.
de se & hæredibus suis prædicto Samuel. & hæredi-
bus suis imperpetuum Et præterea idem Willielmus
concessit pro se & hæredibus suis qd. ipsi warr. præ-
dict. Samuel & hæredibus suis prædict. Tenementa
cum

cum pertin. contra ipsum Willielmum & hæredes suos imperpetuum Et pro hac, &c.

You may also for Dispatch write the Caption underneath it thus, on the left Hand,

*Capt. & cognit.
primo die Junii
Anno Regni Do-
mini Willielmi &
Dominae Mariae
nunc Regis & Re-
ginae Angl. &c.
quarto coram me*

The Cognizor must sub-
scribe his Name on the
right Hand thus,

William Owen.

Also some Body that knows
the Parties, must signify
such his Knowledge at the
Bottom thereof thus,

*✂ **

A. B. cogn. Partes.

Note, The
Clerk of the
Fines usually
sees these two
done.

Writ of Cove-
nant.
Alienation-
Office.

Then go with the Cognizor or Cognizors to the Lord Chief Justice of the Common Pleas, at his Chamber, and deliver your Paper or Parchment to the Clerk of the Fines, who will enquire of him that comes with the Parties to the Acknowledgment of the Fine, if he knows them, and see that he subscribes to the Fine as aforesaid; which done, he will get the Lord Chief Justice's Hand to the Caption of the Concord, ingrossed in Parchment, (and also to the Copy thereof in Paper, which is to remain with the Clerk of the Fines,) then you are to carry the Concord in Parchment, to the Cursitor of the County where the Lands lie, and there get your Writ of Covenant made, which (before it be sealed) you are to carry to the Alienation-Office, and there compound it, and get it entred and indorsed; then carry it back to the Cursitor, who will get it sealed; and this being done, you must make a Warrant of Attorney for the Fine in this Manner.

Wils'

Writs. ff. *Samuel Potter, po. lo. suo A. B. Attorn.* Warrant of Attorney.
suum ad prosequend. breve de Con. vers.
Willielmum Owen de Terris & Tenemen-
tis in S. &c.

This Warrant of Attorney you are to file Warrant filed.
 with the Clerk of the Warrants, who will sign
 your Writ of Covenant.

Then file the Writ of Covenant, and *Præ-* Writ of Cove-
cipe and Concord together, and carry them to nant returned.
 his Office, who is to return Writs of Covenant,
 who will return and sign the Writ of Cove-
 nant with his Stamp.

From thence carry it to the *Custos Brevium*, *Custos Brevium*,
 who makes his Entry thereof upon the Rolls, Proclamations
 and will indorse upon the Writ when the Pro- indorsed.
 clamations are to be made.

From thence to the King's Silver Office, King's Silver
 who will perform what belongs unto it there; Office.
 and being once dispatched this Office, it is
 then a Fine in force of Law; afterwards car- Fine of Force
 ry it to the Chirographer, and there the Clerk in Law.
 who belongs to the County where the Lands Chirographer.
 do lie, will make the Indentures of the Fine,
 and then it is finished.

How to acknowledge a Fine at the Bar.

YOU must first make your *Præcipe* in Pa- Writ of Cove-
 per for the Curfitor of the County to nant.
 make the Writ of Covenant; and having re-
 ceiv'd it from him sealed, then write a *Præcipe* *Præcipe* and
 and Concord thereof in Parchment, and de- Concord deli-
 liver them all to one of the Serjeants at Bar, jeant at Law.
 the Cognizors being also present.

Then

Appearance of
Cognizors re-
corded.

Then the Serjeant will desire the Justices to record the Appearance, which being granted the Serjeant saith.

Deniers le Roy & Royne.

Then answereth the second Prothonotary, or his Clerk,

Que Donera.

Then the Serjeant will answer thus,

Cestuy que avera.

Then the second Prothonotary or his Clerk answereth again,

Trahes le Paix.

The Concord in French.
Examination.
Note, A Feme Covert ought not to be examined upon any Fine, but where she and her Husband do pass some Estate or Interest, or release her Right by Fine of the Lands and Tenements. Co. Lit. 353.

Then the Serjeant will say, *Ove vostre Concord la Paix est tiel, scilicet, &c.* reciting in French the Substance of the Concord, with Relation to the Lands in the *Præcipe*. And after that, if any of the Cognizors be a Feme Covert, or married Woman, the Serjeant will direct her to go up to the Puisne Judge, to the Bench, to be examined of her Consent to part with her Right in the Land, whether she do it freely, or by compulsion; and then the Judge taketh the Concord in Parchment, and readeth her the Contents and examineth her privately apart; and that done, she delivers it to the Prothonotary to be recorded.

Fees of Court.

After it is recorded, you must pay the Fees of the Court, and then take the *Præcipe* and Concord, and file it to the Writ of Covenant, and pass it through the several Offices as before directed in Case of Acknowledgment before the Lord Chief Justice.

The Manner of acknowledging and levying a Fine before Commissioners.

DR A W your *Præcipe* and Concord in Paper, which with the Commissioners Names, (one whereof must be a Knight,) you must deliver to the Cursitor of the County, who will thereby make out your *Dedimus potestatem*, and get it sealed for you.

Then deliver the *Dedimus potestatem* to the Commissioners, with the *Præcipe* and Concord ingrossed in Parchment, with Wax and Seals unto it.

The Commissioners ought to take Care that they know the Cognizors, and their Fitness and Capacity to be so; and if *Husband and Wife be Cognizors, she ought to be examined solely and apart, whether she does it of her own free will, or by Threats and Compulsion.

The Cognizance being taken, the Commissioners must † return the *Dedimus potestatem* thus, viz.

Executio istius Commissionis patet in quadam Scheda huic Commissioni annex.

Dedimus delivered to the Commissioners
* It is a Rule, That where the Right of the Wife shall pass by Fine from her, she is to be examined, but if nothing is moved in the Fine but only that they two do take an Estate by it, this will not conclude, and therefore she is not to be examined.
† Return of *Dedimus*.

And then filing the Concord to the Back of the *Dedimus*, the Commissioners must set their Seals to the Concord, and their Hands to the *Dedimus*, under the Return thereof.

The Caption also must be entred under the Concord, and the Commissioners Names subscribed thus :

Capt.

Fines.

*Capt. & cognit. apud A. in Com. B.
decimo sexto die Septembris, Anno
Regni Domini Willielmi & Dom.
Mariæ nunc Regis & Reginae
Angl. &c. quarto coram nobis.*

A. B.

C. D.

The Caption
is first in
Course.

Certificate.

Your *Dedimus* being returned, carry it to the Cursitor, who will make the Writ of Covenant, and then pass the Fine as before is directed. And Note, That if none of the Commissioners who took the Caption was a Knight, you must then draw up your Certificate upon the Back of the Concord, and carry it to a Judge of the Common Pleas for his *Allocatur*.

The Form of
the Certificate,
a Feme Covert
being a Cogni-
zor.

A. B. Gent. one of the Commissioners in the Writ of *Dedimus* named, maketh Oath, that this Fine was duly executed, the Cognizors of full Age, and the Feme Covert (being secretly and apart examined) willingly consented,

A. B.

Note, The Commissioners are to return their *Dedimus* with the Concord annexed, within one Year next after the taking the same Conusance at farthest; and if they refuse to return or certify this, the Party grieved by it, may by a Writ called *Cognitionibus admittendis*, or a *Certiorari*, compel that Commissioner that hath it in his Custody, or his Executor or Administrator (if he be dead) to certify it. Stat. 23 El. cap. 3. Dyer 220, 246, 320. Fitz. N. B. 147. Co. 5. 39.

Next

Next we proceed to the Forms of *Præci-*
pe's and *Concords*; and first we will observe
the Form of each of the four Sorts of Fines
before-mentioned, viz.

1. A Fine *sur Cognissance de Droit come ceo;*
&c.
 2. A Fine *sur Done, Grant & Render.*
 3. A Fine *sur Done & Grant tantum.*
 4. A Fine *sur Concessit.*
- Of which in Order.

The Form of a Fine *sur Cognissance de Droit*
come ceo, que il ad de son done, single.

Precepte A. B. qd iuste, &c. teneat C. D.
Conventionem, &c. de uno Meluagio
uno Cortagio & decem Acr' Pastur cum p'tid
in C. Et nisi, &c.

Et est Concordia talis scilicet qd p'res A. re-
cogit Tenementa p'res cum p'tid esse jus ip-
sius C. ut ill' que idem C. habet de dono p'res
A. Et ill' remisit & quiet clard de se & heredi-
bus suis p'res C. & heredibus suis imperpe-
tuum Et p'res idem A. concessit pro se &
heredibus suis qd ipsi warant p'res C. & he-
redibus suis Tenementa p'res cum p'tid contra
p'res A. & heredes suos imppetuum Et pro
pac, &c.

Note, The Concord must contain no
more Land, or other Things than are in the
Writ of Covenant; as if the Writ be of the
Manor of D. only, and the Concord is of
the Manor of D. and Manor of S. In this
Case the Fine as to the Manor of S. will be
voidable. 2 Co. Inst. 513.

If a Fine be levied to any Person not named in the Writ of Covenant; as if *A.* be Plaintiff in the Writ of Covenant against *C.* and *C.* levieth a Fine to *A.* and *B.* this is not a good Fine, but avoidable by Writ of Error. 2 Co. Inst. 513, 514.

If Rent be reserved upon this sort of Fine, it is void.

The Form of a Fine *sur Done, Grant & Render*, otherwise called a double Fine.

Midd' ff. **P**recipe *A. B.* Gen^d qđ iuste, &c. ten^d *C. D.* Convention^d, &c. de Manerio de *C.* cum p^{ti}o, &c. Et nisi, &c.

Et est Concordia talis scilicet qđ p^{re}s *A.* recogn^d Manerium p^{re}s cum p^{ti}o esse suū ipsius *C.* ut ill^d que idem *C.* habet de dono p^{re}s *A.* Et ill^d remisit & quiet^d clard^d de ipso *A.* & heredibus suis p^{re}s *C.* & heredibus suis imp^{petu} Et p^{re}terea idem *A.* concessit pro se & heredibus suis qđ ipsi warr^d Manerium p^{re}s cum p^{ti}o p^{re}fat^d *C.* & heredibus suis contra ipsum *A.* & heredes suos imp^{petu} Et pro hac recogn^d remission^d quiet^d clard^d Warrant^d Fine & Concordia idem *C.* concessit p^{re}s *A.* p^{re}s Manerium cum p^{ti}o Et ill^d ei reddidit in eadem Cur^a habend^d & tenend^d eidem *A.* & heredibus quos idem *A.* procreaverit de corpore *F.* tunc uxoris ejus tenend^d de Capitalibus Dominis Feodi ill^d p^{er} servitia que ad p^{re}s Manerium p^{re}sent^d Et si contigerit qđ idem *A.* obiret sine hered^e per ipsum de corpore ipsius *F.* procreat tunc post decessum ipsius *A.* p^{re}s Manerium cum p^{ti}o integre reman^d p^{re}s *F.* tenend^d &c. tota vita ipsius *F.* Et post decessum ipsius *F.* p^{re}s Manerium cum p^{ti}o integre reman^d rectis hered^e p^{re}s *C.* tenend^d, &c.

Grant and
Render in Tail
with divers
Remainders
over.

Note,

Note, None may take the first Estate by way of Render but the Cognisors, or one of them.

If a Grant and Render in a Fine of Land be immediately, & *primo gradu*, to one that is no Party to the Writ, this is not good, but immediately, or *in secundo gradu*, such a one may take; as if two levy a Fine, and the Grant and Render back again is to one of them only, this is good enough. 2 Co. Inst. 514.

So if a Writ of Covenant be brought by A. against B. of the Manor of D. and B. levy a Fine to A. *come ceo*, &c. in this Case A. may grant or render the same to B. for Life, or in Tail, the Remainder to F. in Fee; and this is good as in a Deed by way of Remainder. 2 Inst. 514. Bro. 111, 117, 118.

Note, No single or double Fine may be with a Remainder over to any other Person not contained in it, but it must be to the Conusee and his Heirs only; nor can any Rent be reserved upon a pure Fine *sur Cognisance de Droit come ceo*, but upon a Fine of Grant and Render, and upon *sur Concessit* only; nor may it be on a Condition. 5 Co. 38.

Note, That by a double Fine, or Fine with Double Fine. Render, almost any kind of Contract about Land may be made, and drawn up in Form by a Fine of this Nature. See *West. Symb.* 2 part, *Perk. sect.* 629. Bro. *Fines* 108.

Note, That the Render of a Rent (if any Render. be) must be to one of the Parties to the Fine, and not to a Stranger. *Dyer* 63. 39. Co 2. in Lord *Cromwell's* Case.

A Man may not reserve to himself a less Remainder. Estate by way of Remainder than the Fee; as if A. levy a Fine of his Land to B. and B. regrant, and render it to A. for Life, this

will be void. 14 H. 4. 31. 34 E. 3. 26. Dyer 33, 34, 69.

Condition, Re-entry.

That there may not be a Condition or Clause of Re entry for not Payment of Rent inserted in this kind of Contract and Concord; and yet some hold that a Fine levied to one in Tail, upon a Condition, with a Remainder over, is good, 1 Co. 76. 6 Co. 33. 2 Co. in *Cromwel's Case*, Dyer 33, 69. See 27 H. 8. 84. Plow. 34. 24 E. 3. 62. Whereby it seems a Fine may be levied to one upon Condition, with Remainder, but not with Re-entry.

Note, That a Render of a Concord may not be of any other Thing than what is in the Writ of Covenant, unless it be of a Rent, or Common issuing out of it. 18 E. 4. 12.

Example upon this sort of Fine.

But a Fine may be (as hath been said) with a Render back again of some Estate in the same Land that passeth by the Fine, or some Rent out of it; so that in this Kind of Fine there may be a Reservation of Rent, a Clause of Distress, or *Nomine pænæ*, and a Warranty; and therefore if A. levy a Fine to B. *sur Cognissance de Droit come ceo*, &c. and B. by the same Concord doth grant and render the Land back again to A. for Life, without Impeachment of Waste, the Remainder to C. the Wife of A. for her Life, the Remainder to A. and his Heirs.

Jointure.

To make a Jointure.

This is a good Concord, and by this Devise a Jointure may be, and is oft-time made for a Woman.

Lease for Years, &c.

So if J. and B. his Wife levy a Fine to A. in Fee, *sur Cognissance de Droit come ceo*, &c. and then A. rendreth to J. for Life without Impeachment of Waste, the Remainder to B. his Wife for term of her Life, the Remainder

mainder to *J.* and his Heirs, this is good.
Bro. Fines 108.

And by this Form a Lease for Life, or Years, may be made by Fine with a Render. The Lessee must acknowledge the Land to be the Right of the Lessor that is seized of the Land, as that, &c. and then the Lessor must grant and render the same back again to the Lessee (that is Conusor in the Fine) for Life, or for certain Number of Years (as the Agreement is) reserving Rent with Clause of Distress; and this is a good Fine, and a Common Device for this Purpose; but if the Lessor be Tenant in Tail, it seems this kind of Fine will not bind the Issue in Tail.

And yet if *A.* Tenant in Tail, and *N.* do by Fine acknowledge the Land to be the Right of a Stranger, as that, &c. and then the Stranger (that is the Cognizee) doth grant and render the Land again to *N.* for Life or Years, rendering Rent with Clause of Distress, &c. and then grant and render the Reversion to the Tenant in Tail, this will be a good Fine to bar the Issue in Tail also, and will likewise pass the Rent and Reversion to the Tenant in Tail also. *Bro. Fines* 106, 118. *6 Co* 33. *1 Co* 76. *Pl.* 435. *Dyer* 279. *Perk. fect.* 629.

To have a Lease for Years to bind a Tenant in Tail. The Tenant in Tail and the Lessee did acknowledge the Tenements to be the Right of one *A.* a Stranger, who did grant and render the same Fine to the Lessee for Years, the Remainder to the Lessor and his Heirs, this was with Proclamations; this is a good Lease to bar the Issue in Tail. 44 *E.* 3. 45.

D 3

That

Fines.

That by a Fine with a Render a Lease for Years may be made thus also. If one that is Tenant in Tail within 11 H. 7. accept of a Fine *sur Cognisance de Droit come ceo*, &c. and then by the same Fine render back the Land to the Cognisor for 100 Years; this will be a Discontinuance, and bind the Issue by this Stat. 2 Leon. Case 206.

The Form of a Fine *sur Cognisance de Droit tantum*.

Midd' ff. **P**recepte A. B. & C. uxori ejus qđ iuste, &c. teneant D. C. Conventione, &c. de tertia parte trium Meluagiorum trium Tostorum trium Gardinorum ducent Acres terre sexaginta Acres Prati & centum Acres Pasture cum pertinentiis in F. C. & H. Et nisi, &c.

Grant of a
third Part in
Reversion by a
Co-partner.

Et est Concordia talis scilicet qđ predicti A. & C. recognoverunt tertiam partem predictam cum pertinentiis esse jus ipsius D. Et concesserunt qđ eadem tertia pars cum pertinentiis (quam J. R. vis tenet ad terminum vite sue de hereditate ipsius C. die quo hec Concordia facta fuit Et que post mortem ejusdem J. R. ad ipsos A. & C. reverti debuit) remaneret predicti D. & heredes suis imppetuum tenenda, &c. Et preterea iidem A. & C. concesserunt pro se & heredibus ipsius C. qđ ipsi warrant predicti D. & heredibus suis tertiam partem predictam cum pertinentiis sicut predictum est contra se & heredes ipsius C. imperpetuum Et per hac, &c.

When the Words *Come ceo que il ad de son done*, viz. *ut illi quia idem the Cognizee habet de dono predicti the Cognisor*, are left out in a Fine, and such Fine be levied to him who hath the Freehold of the Land, then it is called

called a Fine upon Release, and is to be executed; but if he that acknowledgeth the Fine be seized of the Land, and he to whom it is levied hath not the Freehold of the Land, then it is called a Fine-Executory, and must be executed, unless the Party be in Possession, and then there must be a Writ of *Habere fac' seisinam*.

A Fine upon a Lease, as it seems, may not enure to an Use, that is, it may not be intended to the Use of any other but to him to whom it is levied, unless an Use be expressed in the Fine, or in another Deed; and if a Disseisor be, and the Disseisee levieth a Fine upon a Release, thereby the Right is gone, and a Stranger may levy such Fine to Tenant for Life, and it shall be no Forfeiture of his Estate. 3 Leon. 36, 37. 3 Co. Inst. 36.

The Form of a Fine *sur Concessit*.

Midd' ff. **P** Recipe A. B. & C. ux' ejus qd' iuste, &c. teneant D. C. Gen'd Convention'd, &c. de duobus Molendinis censum & sexaginta Acr' Terre sexaginta Acr' Prati & quinquaginta Acr' Pastur' eum p'ind in ff. ac de omnibus decimis Granor' eorund de tenementis p'ed cum p'ind necnon de omnibus decimis Lane & Agnorum proveniend de trecentis Obibus depastur' super Terras decimales Panerii de ff. Et nisi, &c.

Et est Concordia talis scilicet qd' p'ed A. & C. concesser' tenementa & decimas p'ed cum p'ind p'fat D. Et ill' ei reddider' in ead Cur' habend & tenend eidem D. a primo die Aprilis ult' p'aterit usq' finem & termin' nonaginta & novem annor' extunc p'or' sequend & plenar' complend

Lease for 99
Years *sur Con-*
cessit.

& finiendū reddendū inde annuatū p̄res A. & hereditus suis duos solidos legales monete Angl' ad fest' Sancti Michis Archi & Annunciationis Beate Marie Virginis p̄ legales Portiones annuatim solvendū toto termino p̄res si petatur Et p̄res A. & C. & heres ipsius A. warant p̄res D. tenementa & decimas p̄res tam p̄sū (sic ut p̄dictum est) contra ipsos A. & C. & heres ipsius A. Et contra omnes al' clamantes p̄ p̄res A. toto termino p̄res Et p̄ hac, &c.

Note, The Render of Rent must be to one of the Parties, and not to a Stranger. *Dyer* 63. 2 *Co.* 39.

Upon a Lease for Life, for 99 Years if the Cognifors shall so long live.

Et est Concordia talis, &c. (as before usq) plenar' complendū & finiendū si p̄res A. & C. aut eorum alter tam diu vixerit vel vixerint reddendū p̄inde eisdem A. & C. & eorum sup̄viventi unū gran' piperis annuatū solvendū ad fest' (&c.) durandū toto termino p̄res si petatur Et p̄erea iidem A. & C. warant p̄res D. Manū & decimas p̄res tam p̄sū sicut p̄res est contra p̄res A. & C. & heres & assign' suos durandū vltis ipsorum A. & C. & vira eorū dūctius vivendū Et p̄ hac, &c.

Note, If a Tenant in Tail levy a Fine sur Concessit for Life, with Proclamations, and the Tenant for Life die; in this Case the Bar of the Fine is determined. *Moo. Case* 1026.

Præcipe and Concord with Exception.

Præcipe, &c. Con, &c. de Rectoria de A. ad p̄sū except' Advocacione Vicar' Ecclesie de A. Et nisi, &c.

Et

Et est Concordia talis scilicet quod p[re]s J. recogn[oscit] redemp[ti]o[n]em p[re]s cum p[re]iud[icio] (except[is] p[re]s[er]v[ati]o[n]ib[us] except[is] esse ius, &c. Et ill[ud] remittit. &c.) (except[is] p[re]s[er]v[ati]o[n]ib[us] except[is]) Et p[re]terea idem (&c.) concessit. p[re]s (&c.) quod ipsi war[ant] (&c.) redemp[ti]o[n]em p[re]s[er]v[ati]o[n]is cum p[re]iud[icio] (except[is] p[re]s[er]v[ati]o[n]ib[us] except[is]) &c.

Note, The only Court of *Westminster* for suing out Fines, is the Court of Common Pleas, and thither they must be certified.

Also by the Stat. 2 E. 6. cap. 28. Fines may be levied in the County Palatine of *Chester*.

And by 37 H. 8. cap. 19. Of Lands in the County Palatine of *Lancaster*.

And by 5 Eliz. cap. 27. Within the County Palatine of *Duresme* alias *Durham*.

And if any other Persons, than such as are before mentioned, shall take Cognisance of, or record Fines; or if they be levied in any other Court, or otherwise than as is before set forth, they will be void, or voidable at the least for Error. 2 Inst. 514, 515. Stat. 2 E. 6. cap. 28. 37 H. 8. cap. 19. 5 Eliz. cap. 27.

See the divers Forms of *Præcipe's* and *Concords* following.

Divers Forms of Concords.

By one to one of a Messuage and Lands.

Wils' ff. **P**recepto Willielmo Owen quod iuste &c. teneat Samueli Potter Con-
ventionem, &c. de uno messagio duobus gar-
tinis viginti acris terre decem acris prati &
decem acris pasture cum p[re]iud[icio] in S. Et nisi,
&c. Et

Et est Concordia talis scilicet quod predictus
 Willielmus recognovit predicta tenementa cum
 pertinentiis esse suos ipsius Samuelis ut ille et idem
 Sammel habet de dono predicti Willielmi Et ille re-
 misit et quietus clamavit de se et heredibus suis predicto
 Samueli et heredibus suis imperpetuum Et per-
 terea idem Willielmus concessit pro se et heredi-
 bus suis quod ipsi warrent predicto Samueli et here-
 dibus suis predicta tenementa cum pertinentiis
 contra ipsum Willielmum et heredes suos im-
 ppetuum Et per hac, &c.

If a Fine be levied *come ceo que il ad de son
 done*, hereby a Fee-simple will pass without
 any Word of Heirs; and so also it is in the
 Case of a Common Recovery. *Co. Lit. 9.*

By one to two of a Messuage, Lands,
 and Common.

Hertf. H. **P** Recipe Beniamino Thompson quod
 iuste, &c. teneat Henrico Joynt
 et Roberto Porris Conventionem, &c. de tribus
 messuagiis quinque gardinis centum acris terre et
 ducentis acris bosci et communia pasture pro omni-
 nimodis averiis cum pertinentiis in D. et B. Et nisi,
 &c.

Et est Concordia talis scilicet quod predictus Benja-
 minus recognovit predicta tenementa et communiam
 cum pertinentiis esse suos ipsius Henrici ut ille que ille
 dem Henricus et Robtus habent de dono predicti
 Beniamini Et ille remisit et quietus clamavit de
 se et heredibus suis predictis Henrico et Robto
 et heredibus * ipsius Henrici imperpetuum Et per-
 terea idem Beniaminus concessit pro se et heredi-
 bus suis quod ipsi warrent predictis Henrico et Robto
 et heredibus ipsius Henrici predicta tenementa et
 communiam

* If the Cogni-
 sees be joint
 Purchasers, it is
 said *heredibus*
suis instead of
 the Heirs of
 one of them.

communia cum p^{ri}mo contra ipsum B. & hered
os imppetuum Et p^{er} hac, &c.

If a Fine be levied to two, & *heredibus*
without the Word *suis*, this will be void for
uncertainty in a Fine as in a Deed. 37 H.
5.

By two to two of a Manor, Lands, Rent,
and Common, with Warranty against
the Cognisors, and the Heirs of one, to
the Cognisees and the Heirs of one.

Comers. ff. **P** Recipe T. L. Ar & W. R. Gen
q^{uo}d iuste, &c. teneant P. H. &
D. D. Conventionem, &c. de manerio de D.
um p^{ri}mo ac de septem mesuagiis duobus tostris
mo molendino duobus columbar^{um} decem gardi
is quingent^{is} acris terre centum acris prati
ducentis acris pasture viginti acris bovei cen
tum acris bzuere ducent^{is} acris moze quadra
ginta acris juncarie viginti acris marisci de
cem acris alneti duodecim acris ruscari^{um} vigin
ti solidat^{is} reddit^{is} & communia pasture p^{er} omni
mod^{is} averiis cum p^{ri}mo in D. T. & D. Et nisi,
&c.

Et est Concordia talis scilicet q^{uo}d p^{ri}mo T. &
W. recogn^{ov}it p^{ri}mo manerium tenementa reddit^{is}
& communiam cum p^{ri}mo esse ius ipsius P. ut
ill^{is} que iidem P. & S. habent de dono p^{ri}mo
T. & W. & ill^{is} remis^{er}unt & quiete clam^{en} de
ipsis T. & W. & heredibus ipsius T. p^{re}statis P.
& S. & heredibus ipsius P. imppetuum Et p^{re}
terea iidem T. & W. concesserunt pro se & he
redibus ipsius T. q^{uo}d ipsi warant p^{ri}mo P. &
S. & heredibus ipsius P. p^{ri}mo manerium te
nementa reddit^{is} & communia cum p^{ri}mo contra
iplos

ipsos T. & W. & heres ipsius T. imppetuum
Et p hac, &c.

By two with several Warranties.

Et est Concordia talis scilicet quod predictus S. & R. recognovimus predicta tenementa cum pertinentiis esse suos ipsius A. ut illi que idem A. habet de dono predicti S. & R. & illi remiserunt & quiete clamore de ipsis S. & R. & heredibus suis presentibus A. & heredibus suis imppetuum Et preterea idem S. concessit pro se & heredibus suis quod ipsi warant predicto A. & heredibus suis predicta tenementa cum pertinentiis contra ipsum S. & heredes suos imppetuum Et ultimus idem R. concessit pro se & heredibus suis quod ipsi warant predicto A. & heredibus suis predicta tenementa cum pertinentiis contra ipsum R. & heredes suos imppetuum Et p hac, &c.

Capt & cognit primo die Maii Anno
Regni Regis Caroli secundi vicesi-
mo coram me

Jo. Vaughan.

By Husband and Wife.

Berks H. **P**Recipe H. J. & A. uxori eius quod iuste, &c. teneant A. D. Conventi-
entem, &c. de duobus messuagiis duobus
colis quatuor acris terre, &c. cum pertinentiis in D.
Et nisi, &c.

Et est Concordia talis scilicet quod predicti R. & A. recognovimus predicta tenementa cum pertinentiis esse suos ipsius D. ut illi que idem D. habet de dono predicti R. & A. Et illi remisit & quiete clamore de ipsis R. & A. & heredibus ipsius R. presentibus D. & heredibus suis imppetuum Et preterea iidem R. & A. concesserunt

unt p se & heredibus ipsius R. qđ ipsi war p
ict D. & heres suis pđict tenementa cum pers
n contra ipsos R. & A. & heres ipsius R. im
petuum Et pro hac, &c.

Of the Husband and Wife of the Wife's
Land.

Oxon ff. **P** Recipe C. L. & M. uxori eius qđ
iuste, &c. teneant D. A. Cons
entionem, &c. de viginti & quatuor acris
erre triginta acris vobis, &c. cum pñd in D.
Et nisi, &c.

Et est Concordia talis scit quod pđicti C.
M. recogn pđict tenementa cum pñd esse
us ipsius S. ut illi que idem S. het de dono
pđict C. & M. Et illi remisit & quiet claud de
pñs C. & M. & heres ipsius M. pñat S. & heres
his imppetuum Et pñtea idem C. & M. con
esserunt pro se & heredibus ipsius M. qđ ipsi
war pđict S. & heres suis pđict tenementa cu
pñd contra pđict C. & M. & heres ipsius M.
imppetuum Et p hac, &c.

A Lease for Years by Fine *sur Concessit.*

Buck. ff. **P** Recipe L. B. qđ iuste, &c. teneat
C. R. Conventionem, &c. Et
est Concordia talis scit qđ pđict L. concessit
pđict C. pđict tenementa cum pñd hend &
tenend pđict tenementa eidem C. & assign suis
Festo Sancti Michaelis Archi ultimo pñterito
qđ finem & terminum viginti & unius anno
um extunc pñor sequend & plenarie complend
reddend inde annuatim toto termino pđict pñat
C. & heres suis decem libras legalis monet
Angl ad Festum Annunciationis Beate Marie
Virginis & Sancti Michaelis Archi p equas &
equales

equales portiones solvend Et si contingat
 p̄dict reddit̄ aretro fore in parte vel in toto post
 aliquod festum festorum p̄dict non solut tunc
 licebit p̄dict G. & heredibus suis in p̄dicta te-
 nementa cum p̄tin intrare & distringere di-
 strictionesq; ibidem cap̄t abducere effugare &
 asportare ac penes se retinere quosq; eis de p̄-
 dict reddit̄ & arreragiis ejusdem plenarie fuit
 satisfact & solut Et p̄tea idem L. & hered̄ sui
 warant̄ p̄dict G. & assign̄ suis tenementa p̄dict
 cum p̄tin contra ipsum L. & hered̄ suos totū
 termino p̄dict Et p̄ hac, &c.

Quere, If this will bar the Issue in Tail.
Plow. 455. *Brook's Fines* 116, 118.

Aliter.

The Lessee must acknowledge Lands
 &c. to be the Right of the Lessor, as that
 &c. and then the Lessor must grant the
 same back again to the Lessee for the Years
 agreed upon, reserving a Rent, with Clause
 of Distress, and Warranty in Form follow-
 ing :

Glouc' ff. **P** Recipe L. P. Gen & W. C. q̄
 iuste, &c. teneant J. W. & C.
 W. Con, &c. Et est Concordia talis scilicet
 quod p̄dict L. & W. recogn̄ p̄dict tenementa
 cum p̄tin esse jus ipsius J. ut ill̄ que iidem J.
 & C. habent de dono p̄dict L. & W. Et ill̄ res-
 miserunt & quiete claud̄ de ipsis L. & W. &
 hered̄ ipsius L. p̄fat J. & C. & hered̄ ipsius C.
 imp̄petuum Et p̄terea iidem L. & W. con-
 cesser̄ p̄ se & hered̄ ipsius L. quod ipsi warant̄
 p̄dict tenementa cum p̄tin p̄fat J. & C. & hered̄
 ipsius J. contra omnes homines imp̄petuum
 Et p̄ hac recognitione remissione quiete claud̄

Warantia fine & concordia iidem J. & C. concessit p̄fat. W. p̄dict tenementa cum p̄t̄id & illi ei reddider in eadem Cur habend & tenend p̄dict tenementa cum p̄t̄id p̄fat. W. & assigni suis a Festo, &c. (ut supra.)

Or thus to bind the Issue in Tail.

The Tenant in Tail and the Lessee to acknowledge the Lands, &c. to be the Right of a Stranger, as that, &c. and the Cognisee to grant and render the Lands to the Lessee for certain Years, yielding Rent with a certain Clause of Distress, and then grant the Reversion to the Tenant in Tail, (*Brook's Fines* 118.) in Form following:

South' ff. **P** Recipe C. C. Gen & R. B. q̄d iuste, &c. teneant H, M. Con-
ventionem, &c. Et est Concordia talis scilicet quod p̄dict C. & R. recogn p̄dict tenementa cum p̄t̄id esse ius ipsius H. ut illi, &c. Et illi remis, &c. Et p̄ hac recogn, &c. p̄dict H. concessit p̄fat R. p̄dict tenementa cum p̄t̄id Et illi ei reddidit in eadem Cur habend & tenend p̄dict tenementa cum p̄t̄id p̄fat R. & assigni suis a Festo, &c. Reddend, &c. Et si contingat, &c. quousq, &c. satisfact & solut Concessit etiam p̄dict H. p̄fat C. tam reversionem p̄dictorum tenementorum cum p̄t̄id quam p̄dictum redditum duodecim librarum superinde reserbat Et illi ei reddidit in eadem Cur habend & tenend & p̄cipiend p̄dicta reversionem tenementorum p̄dictorum cum p̄t̄id & reddit p̄dict p̄fat H. & hered suis imppetuum, &c.

The

The like of Rent with *Nomine Penae*.

Et si contingat p̄dict redditum decem librarum aut aliquam inde p̄cellam arecto fore p̄ aliquod festum festorum p̄dictorum non solum p̄ spacium quadraginta dierum tunc p̄dict R. forisfaciet p̄dict J. & L. & heredibus ipsius J. centum solidos Nomine Penae. Et tunc bene licebit p̄dict J. & L. & heredibus ipsius J. in p̄dict tenementa cum p̄dict intrare & distringere districtionesq; ibidem Cap̄t abducere & fugare & asportare ac penes se retinere quousq; tam de p̄dict reddit decem librarum quam de p̄dict pena centum solidorum Nomine Penae cum arretragiis eorunde plenat fuit satisfact & persolut, &c.

Clause of Re-entry cannot be in a Fine.

Warranties be sometimes general, *contra omnes homines*; sometimes against all except some Persons; sometimes against some Persons only, sometimes against every Cognisor and his Heirs severally; and sometimes against one of the Cognisors and his Heirs only, &c.

From one and his Wife to one, of a Manor, Messuages, Dove-house, Gardens, Orchards, Land, Meadow and Pasture, Wood, Furze and Heath, Common of Pasture, and Turbary, Free Foldage, and View of Frank-Pledge.

Norf. ff. **P**recipe R. D. alias W. Arm̄ & Elizabethhe uxori ejus qđ fuisse &c. teneant J. A. generoso conventionem, &c.

&c. de Manerio de T. als, &c. ac de decem
Pesuagtiis uno Columbar' decem Gardinis
decem Pomariis mille Acris Terre viginti
Acris Prati centum Acris Pasture centum
Acris Bosci ducentis Acris Jampnozumi &
Buzere Communia Pasture pro omnimodis
haberiis Communia Turbarie Libertate Falda-
gii & Wic Franc' pleg' cum p'ind in T. als,
&c. Et nisi, &c.

Et est Concordia talis scilicet qd' p'dict' R. &
E. recognoverunt p'dict' Maneria Tenemen-
ta Communias Libertat' & Wic Franc' pleg'
cum p'ind esse jus ipsius R. ut ill' que idem
R. habet de dono p'dict' R. & E. Et illa re-
miserunt & quiete clamaverunt de ipsis R.
D. & E. & heredibus suis p'fat' R. & heredi-
bus suis imp'petuum Et p'eterea p'dict' R. &
E. concesserunt pro se & hered' ipsius R. qd'
ipsi war' p'dicto R. & heredibus suis p'dicta
Maneria Tenementa Communias Libertat'
& Wic Franc' pleg' cum p'ind contra pre-
dictos R. & E. & hered' ipsius R. imp'petuum
Et p' hac, &c.

Capit' & cognit' xxviii die Sep-
tembr' Anno Regni Regis
Caroli secundi duodecimo
coram

Robert Hyde.

From one and his Wife to two, of Messuages, Cottages, Tofts, a Dove-house, Gardens, Orchards, Lands, Meadow, Pasture, Wood, Furze and Heath, Rent, Court-Leet, and View of Frank-pledge, and of the Moiety of a Manor, with Warranty against the Heirs of the Man.

Heref' ff. **P**recipe R. H. Generoso & Anne uxori ejus qd fuisse, &c. teneant J. M. Gen & G. L. Gen Conventionem, &c. de sex Mesuagiis sex Cotagiis sex Toftis uno Columbar duobus Gardinis duobus Pomariis trescentis Acris Terre centum Acris Prati ducentis Acris Pasture viginti Acris Bosci viginti Acris Camporum & Bzuer viginti solidat reddit Cur Let & Wis Franc pleg cum ptin in parva C. alias M. A. P. & M. ac de medietate Manerii de M. Et nil, &c.

Et est Concordia talis scilicet quod predicti R. & A. recognoverunt predicta Tenementa Cur Let Wis Franc pleg & medietatem predictam cum pertinentiis esse suis ipsius J. & filii quod iidem J. & G. habent de dono predictorum R. & A. Et illi remiserunt & quiete clamaverunt de ipsis R. & A. & heredibus suis predicti J. & G. & heredibus ipsius J. imperpetuum Et propter predicti R. & A. concesserunt pro se & heredibus ipsius R. quod ipsi war predictis J. & G. & heredibus ipsius J. predicta Tenementa Cur Let Wis Franc pleg & medietatem predictam cum pertinentiis contra predicti R. & A. & heredibus ipsius R. imperpetuum Et p hac, &c.

Capit & cognit (ut supra.)

From

From one to two, of Land, Meadow and Pasture, with general Warranty.

Cantabr' ff. **P**recipe R. B. Armigero quod
 iuste, &c. teneat E. C. Ar-
 migero & Jo. L. Clerico Conventionem, &c.
 de triginti Acris Terre decem Acris Prati &
 decem Acris Pasture cum p̄tind in S. & F. Et
 nisi, &c.

Et est Concordia talis scilicet qd̄ Rodolus J.
 recognovit p̄dicta tenementa cum p̄tind esse
 ipsius L. ut ill' que sibi E. & Jo. ha-
 bent de dono p̄dicti Jd̄ Et ill' remisit & quies-
 ce clamavit de se & heredibus suis p̄dictis
 L. & Jo. & heres ipsius L. imppetuum Et
 terea p̄dict Jd̄ concessit pro se & heredibus
 suis quod ipsi war p̄dictis L. & Jo. & heres
 ipsius L. p̄dicta tenementa cum p̄tind contra
 eum Jd̄ & heres suos imppetuum Et p̄ hac,
 &c.

Lapt & cognit (ut supra.)

From one and his Wife to one, of a Manor,
 Land, Meadow and Pasture, upon a Grant
 for 99 Years without Impeachment of
 Waste, rendering a Pepper-Corn, with
 Warranty against the Heirs of the Man.

omerf. ff. **P**recipe R. B. & M. uroxi eius
 qd̄ iuste, &c. teneant E. F.
 Armigero Conventionem, &c. de Panerio de
 . cum p̄tind ac de ducentis Acris Terre
 decencis Acris Prati & ducentis Acr Pasture
 cum p̄tind in M. Et nisi, &c.

Et est Concordia talis scilicet quod predicti R. & M. concesserunt predicto C. predicta Manerium & Tenementa cum pertinentiis habendum & tenendum predicta Manerium & Tenementa cum pertinentiis predicto C. a Festo Sancti Michaelis Archangeli proximo preterito usque finem terminum nonaginta & novem annorum extunc proximo sequenti & plenarie complendi absque impetitione alicujus vassalli reddendo inde annuatim predictis R. & M. & heredibus ipsius R. unum Granum Piperis ad Festum Nativitate Sancti Johannis Baptiste si petatur Et predicti R. & M. & heredes ipsius R. warrent predicto C. predicta Manerium & Tenementa cum pertinentiis sicut predictum est contra predictos R. & M. & heredes ipsius R. toto termino predicto Et per hoc, &c.

Capitulum & cognitum (ut supra.)

From one and his Wife, to two, of the
Moiety of a Moiety of twenty Acres of
Meadow, and ten Acres of Pasture.

Civit' Coventr' ff. **P**Recipe Johanui Sello
Generoso & M. uxori
ejus quod fuisse, &c. teneant H. L. & J. M. Con-
ventionem, &c. de medietate medietatis viginti
Acrarum prati & decem Acrarum Pasture cum pertinentiis in Civitate Cobentrie
nisi, &c.

Et est Concordia talis scilicet quod predicti J. & D. recognoverunt predictam medietatem cum pertinentiis esse jus ipsius H. ut illam quam teneant
H. & J. M. habent de dono predictorum J. & D. Et illi remiserunt & quieti clam
ipsis J. S. & D. & heredibus suis prefati H. &
J. S.

J. M. & heredes ipsius H. imppetuum Et pre-
 ea idem J. S. & D. concesserunt p se & heredes
 ipsius J. qd ipsi war pdictis H. & J. M. & heredes
 ipsius H. pdictam medietatem cum pñd contra
 dictos J. S. & D. & heredes ipsius J. ac contra
 heredes A. S. defuncte matris ipsius J. ac W. S.
 defuncti Aui pdicti J. ac contra omnes alios
 clamantes p pdictos J. S. & D. A. & W. aut
 eorum aliquem imppetuum Et p hac, &c.

Capit & cognit (ut supra.)

from one and his Wife, and two others, to
 one, of a Manor, Tenements, Rent and
 Common of Pasture.

North' ff. **P** Recipe J. C. Armigero & C.
 uxori ejus J. M. Generoso &
 R. C. Generoso quod fuisse, &c. ten J. L. Mi-
 sti & Baronetto Conventionem, &c. de Ma-
 serio de R. cum pñd ac de sex Meluagiis
 quatuor Cotagiis duobus Molendinis uno Co-
 mbar sex Gardinis sex Pomariis quadrin-
 gentis Acris Terre viginti Acris Prati octo-
 ginta Acris Pasture quatuor Acris Bosci qua-
 draginta Acris Jampnoz & Buere quin-
 draginta solidat reddit reddit duorum Ca-
 sonum & Communia Pasture pro omnimodis
 peritiis cum pñd in R. alias, &c. S. H. J. &
 J. parva Et nisi, &c.

Et est Concordia talis scit quod pdicti J.
 C. & C. J. M. & R. recogn pñd predict Ma-
 serium Tenementa reddit & Communiam
 Pasture cum pñd esse suis ipsius J. L. ut ille
 J. L. habet de dono pdictorum J.
 C. & C. J. M. & R. & ille remiserunt & quiete
 amaverunt de ipsis J. C. & C. J. M. &
 J. & heredibus suis pñd J. L. & heredibus

suis imppetuum Et p[re]sentia idem J. C. & C.
 concesserunt p[ro] se & heredibus ipsius J. quod
 ipsi war[ant] p[re]dicto J. L. & heredibus suis p[re]dicta
 Manerium Tenta reddit & Communiam p[re]dictam
 Pasture cum p[er]tin[entia] contra p[re]dictum J. C. & C. & he-
 res ipsius J. imppetuum Et ulterius idem J.
 M. concessit p[ro] se & heredibus suis quod ipsi war[ant]
 p[re]dicto J. L. & heredibus suis p[re]dicta Manerium
 Tenementa reddit & Communiam
 Pasture cum p[er]tin[entia] contra p[re]dictum J. M. &
 heredes suos imppetuum Et etiam idem J.
 concessit p[ro] se & heredibus suis quod ipsi war[ant]
 p[re]dicto J. L. & heredibus suis p[re]dicta Manerium
 Tenta reddit & Communiam Pasture cum p[er]tin[entia]
 contra p[re]dictum J. & heredes suos imppe-
 tuum Et p[ro] hac, &c.

Cap[itu]l[um] & cognit[um] p[er] p[re]dictos J. C.
 & C. vicesimo primo die Janua-
 rii Anno Regni Regis Caroli
 secundi duodecimo coram

G. P.
 I. A.

Cap[itu]l[um] & cognit[um] p[er] p[re]dictos J. M. &
 R. C. primo die Februarii Anno
 Regni Regis Caroli secundi ter-
 tiodecimo coram

T. G.
 T. B.

Per ipse
 Dedim[us]
 Potest[as]
 Teste 8
 die Ja-
 nuarii
 Anno 12
 Car[oli] se-
 cundi.

A *Præcipe* of Stables (among other Things.)

Midd' ff. **P**recepte Georgio Wright & Eliza-
 bethe uxori ejus q[uod] fuisse, &c.
 teneant Roberto Wolsey Conventionem, &c. de
 duobus Mesuagiis tribus Stabulis & duobus
 Car[is]

Gardinis cum p̄t̄id in Parochia Sancti Egidii
in Campis Et nisi, &c.

Et est concordia talis scilicet quod predicti
G. & C. recognov̄ predicta Tenementa cum per-
t̄id esse suis, &c. (ut supra.)

A *Præcipe* of Rent issuing out of a Rectory.

London' ff. **P**recipe C. D. vidue & J. B.
& C. uxori ejus quod fuisse,
&c. ten̄ W. B. Con̄, &c. de annuāli reddit̄
viginti & duarum librarum ex̄eund de Rectoria
Parochie Sancti Buttolphi extra Aldgate cum
p̄t̄id Et nisi, &c.

Et est Concordia talis scilicet quod predicti
C. J. & C. recognov̄ p̄dict̄ reddit̄ esse suis, &c.
ut in a^r.

Another of the same.

Lincoln' ff. **P**recipe A. B. qđ fuisse, &c. ten̄
J. C. Con̄, &c. de annuāli
reddit̄ 6 l. 12 s. 8 d. ex̄eunt de Rectoria de
Hoxlestone cum p̄t̄id Et nisi, &c.

Præcipe of Rent issuing out of divers
Manors.

Somers. ff. **P**recipe H. S. quod fuisse, &c.
ten̄ R. B. Con̄, &c. de an-
nuāli reddit̄ 13 l. 19 s. 8 d. ex̄eund de Maner-
iis de Walton Chedder & Stowey cum p̄t̄id
Et nisi, &c.

Of a Manor, Tenements, Common of Pasture for all manner of Cattle, and of the Advowson of the Church of S. with Warranty against all Men.

Lincoln' ff. **P**Recipe Roberto Thozowgood Generoso & Anne uxorī ejus qđ fuisse, &c. teneant Richardo Werhboock Conbentionem, &c. de Manerio de S. cum p̄tīd ac de duobus Mesuagiis septem Cotagiis uno Columbar' duobus Gardinis duobus Pomariis ducentis & viginti Acris Terre quas vraginta & quinque Acris Prati quinquaginta & quinque Acris Pasture & Communia Pasture p̄ omnibus aberiis cum p̄tīd in S. Acetiam de Advocatione Ecclesie de S. Et nisi, &c.

Et est Concordia talis scilicet quod p̄dicti Robtus & Anna recognō p̄dicta Manerium Tenementa & Communiam Pasture cum p̄tīd ac Advocationem p̄dictam esse suis ipsius Richardi ut ill' que idem Richardus habet de dono p̄dictorum Roberti & Anne Et ill' remiserunt & quiete clamaverunt de se & heredibus suis p̄dicto Richardo & heredibus suis imppetuum Et p̄terea iidem Robertus & Anna concesserunt pro se & heredibus ipsius Anne qđ ipsi war' p̄dicto Richardo & heredibus suis p̄dicta Manerium Tenementa & Communiam Pasture cum p̄tīd ac Advocationem p̄dictam contra omnes homines imppetuum Et p̄ hac, &c.

Capit & cognit' nono die Fe-
buarī Anno Regni Regis
Caroli secundi decimo ter-
cio coram me

Orl. Bridgman.

Of a Manor, Scite of a Manor, Tenements,
Court-Leet, Court-Baron, View of Frank-
pledge, Rectory, and of all manner of
Tithes, Oblations, Obventions, Pensions
and Portions belonging to the said Recto-
ry, and of the Advowson of the Vica-
ridge of the Church of T. from four to
one, with Warranty by the first Cogni-
sor against all Men, by the second against
him and his Heirs, and by the two last
being Husband and Wife, against them
and the Heirs of the Wife.

Cantabr' ff. **P** Recipe R. C. Armigero C. C.
sacre Theologie Doctori &
C. C. Armigero & M. uxori ejus qd iuste, &c.
teneant G. D. Militi conventionem, &c. de
Manerio de C. H. cum pertin' ac de Scitu
Manerii de C. H. cum pertin' acetiam de
viginti Meluagiis quinque Cotagiis vigin-
et Gardinis viginti pomariis septingentis
Acris Terre centum Acris Prati quadrin-
gentis sexaginta & quatuor Acris Pasture quin-
quaginta Acris Bosci Cur Let Cur Baron
& M's Franc' pleg' cum pertin' in C. H. S.
C. H. C. T. & p. Ac de Rectoria de T. cum
pertin' Ac de omnibus & omnimodis decimis
Oblationibus Obventionibus Pensionibus &
Portionibus eidem Rectorie spectand' sive per-
tinent' Acetiam de Advocatione Vicarie Eccle-
sie de T. Et nisi, &c.

Et est Concordia talis scilicet quod predicti
R. C. & C. & M. recogn' predicta Maner' Scitu
Tenementa Cur Let Cur Baron M's Franc'
pleg' Rectoriam Decimas Oblationes Ob-
ventiones Pensiones & Portiones cum pertin' ac
Advocationem predict' esse jus ipsius G. ut iux-
ta que idem G. habet de dono predictorum R. C.
&

& C. & M. Et illi remiserunt & quiete clamaverunt de se & heredibus suis p̄dicto C. & heredibus suis imppetuum Et p̄terea idem R. concessit pro se & heredibus suis quod ipsi war' p̄dicto C. & heredibus suis p̄dicta Manerium Scitum Tenementa Cur' Let Cur' Baron' Wils Franc' pleg' Rectoriam Decimas Oblaciones Obventiones Pensiones & Portiones cum p̄tind ac Advocationem p̄dictam contra omnes homines imperpetuum Et ultius idem C. concessit pro se & heredibus suis qđ ipsi war' p̄dicto C. & heredibus suis p̄dicta Manerium Scitum Tenementa Cur' Let Cur' Baron' Wils Franc' pleg' Rectoriam Decimas Oblaciones Obventiones Pensiones & Portiones cum p̄tind ac Advocationem p̄dictam contra p̄dictum C. & heredes suos imperpetuum Et etiam idem C. & M. concesserunt p se & heredibus ipsius M. qđ ipsi war' p̄dicto C. & heredibus suis p̄dicto Manerium Scitum Tenementa Cur' Let Cur' Baron' Wils Franc' pleg' Rectoriam Decimas Oblaciones Obventiones Pensiones & Portiones cum p̄tind ac Advocationem p̄dictam contra p̄dictos C. & M. & heredes ipsius M. imperpetuum Et hac, &c.

Capit & cognit' quinto die Fe-
bruarii Anno Regni Regis
Caroli secundi tertiodecimo
coram me

R. Hide.

Per commiss' Teste
24 Jan' ejusdem
Regis 12.

A *Præcipe* of Manors, Messuages, Cottages,
Water-mill for Grain, Dove-houses, Gar-
dens, Orchards, Land, Meadow, Pasture,
Wood, Furze and Heath, Moor, Land co-
ver'd with Water, Rent, and Common of
Pasture.

Staff. ff. **P**recipe J. B. Armigero qd iuste,
&c. tenent J. G. Generosa Con-
ventionem, &c. de Paneris de B. & D. cum
ptin ac de triginta Messuagiis decem Cota-
giis uno Molendino Aquatico Granatis duo-
bus Columbar' triginta Gardinis triginta
Pomaritis duabus mille Acris Terre vacan-
tis Acris Prati quingentis Acris Pasture
trescentis Acris Bosci mille Acris Jampno-
rum & Buere mille Acris Poze decem Acris
Terre Aqua coispecta sexaginta solida Reddit
& Communia Pasture pro omnibus averis ad
ptin in Widdulph Overton Over Widdulph
Nether Widdulph Rushton Rushton Grange
Stoke & Burchen Et nisi, &c.

Et est Concordia talis scilicet quod predictus
J. recognovit predicta Paneria Tenementa & Com-
muniam Pasture cum ptin esse jus, &c.

Capt & cogit, &c.

A *Præcipe* of Manors, Messuages, Tofts, a
Wind-mill, Dove-houses, Gardens, Land,
Meadow, Pasture, Wood, Furze and
Heath, and of a Rectory, and an Ad-
vowson.

Lincoln' ff. **P**recipe J. L. Militi & W. L.
Armigero qd iuste, &c. te-
neant G. L. Generosa Paneria de B. alias, &c.
¶

& S. cum pertin ac septuaginta & nobem Mes-
suagia tria Tosta unum Molendinum Ven-
triticum undecim Columbar nonaginta Gar-
dina duas mille Quingentas & quadraginta
Acras Terre septentas Acras Prati mille &
sexaginta Acras Pasture trescentas & quin-
quaginta Acras Bosci & centum Acras Jamp-
nozum & Buere cum pertin in Honning-
ton alias Hunnington Somerby Coztingham
Springthorpe Gainsborough alias Gains-
burgh Wheatbargh alias Wheatburgh &
Wagna Coztingham Acetiam Rectoziam de
Honnington alias Hunnington cum pertin
Rectoriam Advocationem Vicarie Ecclesie de
Honnington alias Hunnington Et nisi, &c.

Et est concordia talis scilicet quod predicti J.
& W. recogn predicti Paneria Tenementa &
Rectoziam cum pertin ac Advocationem pre-
dictam esse jus, &c.

Capit & cognit, &c.

Præcipe and Concord where one Cognifor
warrants one Part, another warrants ano-
ther Part, and a third another Part.

Midd' ff. **P**recipe A. B. Gen & C. ux' ejus
D. E. Gen & F. ux' ejus G. H.
Gen & I. ux' ejus qd iuste, &c. ten L. M. At
Conventionem, &c. de tribus Mesuag tribus
horreis tribus gardinis uno pomario quinquas-
ginta acris terre decem acris prati triginta
acris pasture & decem acris bosci cum pertin in
in R. P. & S. Et nisi, &c.

Et est Concordia talis scilicet quod predicti
A. & C. D. & F. G. & I. recogn predicti tenementa
menta

menta cum pertind esse jus ipsius A. ut ille
que idem A. habet de dono predicti A. & C.
D. & F. G. & I. Et illi remis & quiet
cland de ipsis A. & C. D. & F. G. & I. pre-
fat A. & heredibus suis imperpetuum Et
preterea iidem A. & C. concesser pro se & he-
red ipsius A. quod ipsi warant unum me-
suagium unum horreum & unum gardinum
parcel tenementorum pzed in B. pzed pzetat
A. & heredibus suis contra pzed A. & C.
& heres ipsius A. imperpetuum Et etiam
iidem D. & F. concess pro se & heredibus ip-
sius D. quod ipsi warant alterum Mesua-
gium unum horrenum unum gardinum & pzed
pomarium & pzed quinquaginta acr terre de-
cem acr prati triginti acr pasture & decem
acr bosci parcel tenementorum pzed in B.
pzed pzetat A. & heredibus suis contra ipsos
D. & F. & heres ipsius D. imperpetuum
Et ulterius iidem G. & I. concesser pro se &
heres ipsius G. pzed ipsi warant unum Me-
suag unum horreid unum gardinid resid tene-
mentorum pzed in D. pzed pzetat A. & heredi-
bus suis contra pzed G. & I. & heres ipsius G.
imppetuum Et pro hac, &c.

The Form of a Fine levied by Tenants for
Life of their Terms *sur Concessit.*

Midd' ff. **P** Recipe A. B. & C. ux' ejus qd
fuste, &c. teneant D. C. Con-
ventionem, &c. de uno mesuagio centum
acr terre sexagint acr prati octogint acr pa-
stur centum acr bosci centum & viginf acr
sampionum & buere & communia pasture pro
omnibus averiis cum pertind in F. Et nisi,
&c.

Et

Et est Concordia talis scilicet quod predicti A. & C. concesserunt prefato D. predicta Tenementa & communiam pasturam cum pertinentiis ac totum & quicquid idem A. & C. in predicta tenementis communia pasturam cum pertinentiis ad terminum vite ipsorum A. & C. & eorum alterius diutius vivere debent. Et illi idem D. in eadem Curia redditus habendo & tenendo idem D. tota vita ipsorum A. & C. & eorum alterius diutius vivere. Et predicti A. & C. warrant prefato D. predicta tenementa & communiam pasturam cum pertinentiis sicut predictum est contra predicti A. & C. tota vita ipsorum A. & C. & eorum alterius diutius vivere. Et per hoc, &c.

Finis of a Manor in Possession, and other Lands in Reversion.

Et est Concordia talis scilicet quod predicti A. recognovit, &c. esse suus ipse J. de quibus idem J. habet predicta Manor cum pertinentiis duo meluagium cum pertinentiis in H. parcel tenementorum predicti de dono predicti W. & illi remisit, &c. Et concessit per se & heredes suos predicti duo meluagium cum pertinentiis in H. predicti residuum tenementorum predicti que A. B. vis tenet ad terminum vite sue de hereditate, &c. post decessum ipsius A. B. integre remanere prefato J. R. & heredes suis tenendo simul cum predicta manerio & tenementis parcel que ei per finem iustum remanere de capitalibus dominiis, &c. Et predicti W. B. & heredes sui warrant prefato J. & heredes suis maneria & tenementa cum pertinentiis sicut dictum est contra omnes homines in perpetuum. Et per hoc, &c.

From a Baron and his Lady to a Duke, of a Manor, Tenements, Rent, Common of Pasture, free Warren, View of Frank-pledge, Fishing, and an Advowson, with Warranty against the Heirs of the Baron.

Ebor' ff. **P** Recipe L. J. Milti Domino J. Baroni de C. infra Regnum Scotie & A. Proxi ejus quod fuit, &c. teneant B. Duci de A. conventionem, &c. de manerio de S. super D. cum pertind. At de trinta & septem Meluaglis tribus tottis trisus molendinis aquaticis triginta & sex garinis triginta & quinque pomariis sexcentis & quinque acris terre trescentis & octoginta acris pait mille trescentis & octo acris pasture centam acris bolci detem solidat reddat Communia pasture libera warennam & vis Franc Pleg cum pertind in S. super D. C. C. Acclam de libera Piscaria in aqua de D. Pecnon de Advocatione Ecclesie de S. super T. Et nil, &c.

Et est Concordia talis scilicet quod predict L. & A. recognid predict Panerium Tenementa reddid Communiam Pasture Warennam Vis Franc Pleg & Piscariam cum pertind ac Advocationem predictam esse jus ipsius Ducis. Ut ill que idem Dux habet de dono predictorum D. & A. Et ill remis erunt & quiete clamaverunt de se & heredibus suis predicto Duci & heredibus suis imperpetuum. Et preterea idem L. & A. concesserunt pro se & heredibus ipsius L. quod ipsi war predicto Duci & heredibus suis predicta Panerium Tenementa reddid Communiam Pasture Warennam Vis Franc Pleg

Fines.

Pleḡ & Piscariam cum pertind ac Advocacionem predictam contra predictos T. & A. & heredes ipsius T. imperpetuum Et pro hac, &c.

Capt & cognit, &c.

Of the Moiety of two Messuages, a Dovehouse, two Gardens, two Orchards, and of divers Quantities of Land, Meadow, Pasture, Wood, Furze and Heath, and of the Moiety of the Moiety of a Manor.

Leic. ff. **P** Recipe Thome Willson qd iuste, &c. teneat Christofero Park Armigero & Thome Stamp Conventionem, &c. de medietate duorum Mesuagiorum unius Columbar duorum Gardinorum duorum Pomariorum viginti, acrarum terre centum & viginti acrarum prati quadringentarum acrarum pasture quindecim acrarum bosci & sexaginta acrarum Tarnorum & buere cum pertind in Kebthorpe Tugby alias Tokeby & Goadby Ac de medietate medietatis Panerii de Keythorpe cum pind Et nisi, &c.

Et est Concordia talis scilicet quod predicti Thomas Willson recognid po medietates cum pertind esse ius ipsius Christoferi ut, ilk qui idem Christoferus & Thomas Stamp habent de dono predicti Thome Willson Et ilk remisit & quiete clamavit de se & heredibus suis predictis Christofero & Thome & heredibus ipsius C. imperpetuum Et preterea Idem Thomas Willson concessit pro se & heredibus suis quod ipsi war predictis Christofero & Thome Stamp & heredibus ipsius Christoferi predictas medietates cum pertind contra predictos

Thomam Willson & heredes suos imperpetuum Et p hac, &c.

Capt & cognit vicesimo die Februarii Anno Regni Dni Caroli secundi nunc Regis Anglie, &c. tertiodecimo coram me

Orl. Bridgman.

Of a Messuage in London from two, (viz a Man and his Wife) to one, with Warranty against the Heirs of the Husband, and against the Heirs of his Father and Grandfather, and against all other claiming by him, his Father and Grandfather, or any of them.

London' ff. **P**recipe J. R. Militi & Barones & S. uxori ejus qd iuste, &c. teneant C. D. Conventionem, &c. de uno Messuagio cum pertin in parochia sancti Benedicti alias sancti Benetti Gracechurch Et iussu, &c.

Et est Concordia talis scilicet qd pd J. & S. recogn pd Messuag cum pertin esse suis ipsius C. ut illi qd idem C. habet de dono pdictor J. & S. Et illud remiserunt & quiete clamaverunt de se & heredibus suis pdicto C. & heredibus suis imppetuum Et preerea idem J. & S. concesserunt pro se & heredibus ipsius J. quod ipsi war pdict C. & heredibus suis pdictum Messuagium cum pertin contra pdictos J. & S. heredes ipsius J. ac contra heredes J. R. Militis & Barones patris pdicti J. & J. R. Armigeri avi pdicti J. defuncti ac contra omnes alios clamantes per pdict J. J. & J. aut eorum aliquem imppetuum Et p hac, &c.

Capt & cognit ut supra.

[Vol. I.]

F

Of

Of certain Messuages and fresh Marsh; a Rectory, and all manner of Tithes, Oblations, Obventions, Portions and Emoluments thereunto belonging; and of the Advowson of a Vicaridge.

Lincoln' ff. **P**recipe C. B. Armigero quod iuste, &c. teneat T. B. generoso Conventionem, &c. de octo Mesuagiis & mille ducentis acris Parisci Frisci cum pertinentiis in Mainfleet Sancte Marie Ac de Rectoria de Mainfleet Sancte Marie cum pertinentiis Pecnon omnibus & omnimodis Decimis Oblationibus Obventionibus Portionibus & Emolumentis quibuscunque provenientem crescentem seu renovantem de & in Mainfleet Sancte Marie & Rectorie de Mainfleet Ste Marie pertinentem sive pertinentem Acetiam de advocacione Ecclesie de Mainfleet Ste Marie Et nisi, &c.

Et est Concordia talis scilicet quod predictus C. recognovit predicta Tenementa Rectoriam Decimas Oblaciones Obventiones Portiones & Emolumenta cum pertinentiis ac Advocacionem predictam esse suos ipsius T. ut illi que idem T. habet de dono predicti C. Et illi remisit quiete clamabit de se & heredibus suis predicto T. & heredibus suis imperpetuum C. preterea idem C. concessit pro se & heredibus suis quod ipsi war predicto T. & heredibus suis predicta Tenementa Rectoriam Decimas Oblaciones Obventiones Portiones & Emolumenta cum pertinentiis ac Advocacionem predictam contra predictum C. & heredes suos imperpetuum C. p hac, &c.

Capit & cognit ut supra.

Of a Messuage, two Gardens, an Orchard,
certain Land, Meadow, Pasture and Wood.
The first Vesture of 31 Acres of Meadow,
and Common of Pasture for 16 Cattle
and 700 Sheep.

Wilt's H. **P** Recipe W. B. generoso & R.
uorū esus qđ fuste, &c. teneant
J. M. generoso Conventionem, &c. de uno
Pesuagio duobus Gardinis uno Pomario
trescentis & octoginta Acris Terre triginta
& sex Acris Prati trescentis & triginta Acris
Pasture viginti & duabus Acr' Bosci prima
Vestura triginta & unius Acr' Prati & Com-
munia Pasture p̄ sexdecem Aberis & septin-
gentis Obibus cum p̄tin in Bratton & West-
bury Et nisi, &c.

Et est Concordia talis scit quod p̄dicti W.
& R. recogn̄ p̄dicta Tenementa Vesturam
& Communiam Pasture cum p̄tin esse Jus
ipsius J. ut ill' que idem J. habet de dono
p̄dictorum W. & R. Et ill' remiserunt & quie-
re clamaverunt de se & heredibus ipsius W.
p̄dicto J. & heredibus suis imperpetuum
Et p̄terea iidem W. & R. concesserunt p̄
& heredibus ipsius W. quod ipsi W. p̄-
dicto J. & heredibus suis p̄dict Tenementa
Vesturam & Communiam Pasture cum p̄tin
contra p̄dictos W. & R. & heredes ipsius W.
imperpetuum Et p̄ hac, &c.

Capit & cognit, &c. ut supra.

From two Cognisors to one Cognifsee, of certain Tenements and Common of Pasture for Cattle *sans* Number, with Warranty against the first Cognisor and his Heirs, and against the Heirs of his Father, Grandfather, Great Uncle, and Great Grandfather, and against all others claiming by them, or any of them.

Ebor' ff. **P**recipe J. R. Barone & S. uxori ejus qd iuste, &c. teneant J. L. Militi & Barone Conventionem, &c. de quinque Mesuagiis quinq; Gardinis centum Acris Terre decem Acris Prati triginta Acr Pasture & Communia Pasture p omnimodis Averis cum pñd in Wently Arkley Stockbridge & Parr Et nisi, &c.

Et est Concordia talis scit quod pñd J. R. & S. recogit pñd Tenementa & Communiam Pastur cum pñd esse Jus ipsius J. L. ut illi que idem J. habet de dono pñ J. R. & S. Et illi remiserunt & quiete clamaverunt de & heredi ipsius J. R. pñd J. L. & heredi suis imperpetuum Et pñd idem J. R. & S. concesserunt p se & heredi ipsius J. R. qd ipse J. L. & heredi suis pñ Tenementa & Communiam Pastur cum pñd contra pñd J. R. & S. & heredi ipsius J. R. Ac contra heredes J. R. Militis & Barone defuncti patris pñ J. Ac contra heredi J. R. Armig defuncti Avi pñ J. Ac contra heredi G. R. G. Proabunculi pñ J. Ac contra heredi R. R. defuncti Proavi pñ J. Ac contra omnes alios clamantes per pñ J. R. J. R. J. R. & G. R. aut eorū aliquem imppetuum Et p hac, &c. Capl & cognit, &c. ut supra.

From four Cognisors to one Cognisee, of divers Manors, the Sites of two dissolved Monasteries, of divers Messuages, Cottages, Tofts, a Wind-mill for Grain, certain Gardens, Orchards, Land, Meadow, Pasture, Wood, Furze and Heath, Marsh, Common of Pasture for all manner of Cattle, free Fishing, Courts-Leet, Courts-Baron, and View of Frank-pledge.

Lincoln' ff. **P** Recipe ff. Domino W. de P. W. B. Armigero & f. urozi ejus & C. W. qd iuste, &c. ten C. T. Con- ventionem, &c. de Maner de D. B. & S. T. B. & H. alias, &c. cum pertind Ac de sitibus nuper Monasterio de Wardney & Topholme cum pind Pecnon de septuagint & tribus Mes- suagiis octoginta & quatuor Cotagiis quin- decim Toftis uno Molendino ventricico sep- tuaginta & tribus Gardinis septuaginta & tri- bus Pomariis duabus mille & trecentis Acris Terre quingentis Acris prati mille & trescen- tis Acris Pasture centum & nonaginta Acris Bosci mille & quingentis Acris Hampnorum & Buere septingentis & quinquaginta Acris Marisci Communia Pasture pro omnimodis Aberiis libera Piscaria in Aqua de Witham Cur Let Cur Baron & Vis Franc Pleg cum pertind in B. P. B. M. L. & W. Et nisi, &c.

Et est Concordia talis scilicet quod predicti f. W. & f. & C. recogn pdict Maneria Sit Tenementa Communiam Pasture Piscaria Cur Let Cur Baron & Vis Franc Pleg cum pind esse jus ipsius C. ut illi que idem C. habet de dono predictorum f. W. & f. & C. Et illi remiserunt & quiete clamaverunt

de se & heredibus suis p̄dict C. & heredibus
suis imperpetuum Et p̄terea idem J. con-
cessit p̄o se & heredibus suis quod ipsi war
p̄dicto C. & heredibus suis p̄dicta Maneria
Sciⁱ Tenementa Communiam Pasturⁱ Pisci-
ariam Curⁱ Let Curⁱ Baron & Wi^s Francⁱ
Plegⁱ cum p̄iⁿ contra p̄dictum J. & heres-
des suos imperpetuum Et ulterius idem
W. & J. concesserunt p̄o se & heredibus ip-
sius J. qđ ipsi warⁱ p̄dicto C. & heredibus
suis p̄dicta Maneria Sciⁱ Tenementa Com-
muniam Pasture piscariam Curⁱ Let Curⁱ
Baron & Wi^s Francⁱ Plegⁱ cum p̄iⁿ con-
tra p̄dict W. & J. & heredes ipsius J. im-
perpetuum Et etiam eadem C. concessit p̄o
se & heredibus suis qđ ipsi Warⁱ p̄dict C. &
heredibus suis p̄dict Maneria Sciⁱ Tene-
menta Communiam Pasturⁱ piscariam Curⁱ
Let Curⁱ Baron & Wi^s Francⁱ Plegⁱ cum per-
t̄iⁿ contra p̄dictam C. & heredes suos impe-
tuum Et p̄ hac, &c.

Capit & cognit, &c. ut supra.

Of divers Manors, Messuages, Cottages, Gar-
dens, Orchards, Land, Meadow, Pasture,
Wood, Furze and Heath: As also of a Cha-
pel, and the Advowson of two Churches.

Essex' ff. **P**recipe C. H. Militi qđ iuste, &c.
tenⁱ J. M. Genⁱ Conⁱ, &c. de Ma-
neriis de H. W. alias C. G. J. R. alias, &c.
& W. alias S. cum pert̄iⁿ Ac de viginti
& novem Mesuagiis tresdecim Cotagiis tri-
ginta & sex Gardinis trigint & sex Poma-
riis mille quingent & quinquagint Acris Peri-
centum triginta & quinq Acris Prati mille
Acris Pasture trescentis Acris Jampnoz &
Bzuer

Bzuere cum pertin in Hemstede alias Hem-
sted Hampford magna Hampford parva Wym-
biss Staple Wumpstede alias Steeple Wump-
sted Wumpsted St. Hellens Finchingseild
Radwinter Ashton Barklowe & Stenington
Necnon de Capella de Hamsted cum per-
tin' Acetiam de Advocationibus Ecclesiarum de
Hampford magna Wumpsted, &c. Et nisi, &c.

Et est concordia talis scilicet quod predictus C. re-
cognit predictam Maneriam Tenementum & Capellam
cum pertinenti ac Advocationes predictas esse suas ipsius
I. ut illi que idem I. habet de dono predicti
C. Et illi remisit & quiete clamavit de se &
heredibus suis predictus I. & heredibus suis im-
perpetuum Et preterea idem C. concessit pro
se & heredibus suis quod ipsi war' predictus I.
& heredibus suis predictam Maneriam Tenementum
& Capellam cum pertinenti contra predictum
C. & heredes suos imperpetuum Et pro hac,
&c.

Capit & cognit, &c. ut supra.

From three Cognisors (whereof the two first
are Earls) to one Cognisee, with Warranty
by the first Cognisor against him and his
Heirs, and against the Heirs of his Father,
Mother and Grandmother, and of another
Person, deceased; and against the two
other Cognisors and their Heirs, and
against all others claiming by them or
any of them.

Wils' ff. **P**recipe D. Comiti W. I. Comis-
sari C. & T. T. Armigero quod
posse, &c. ten' J. S. Generoso Conventionem,
&c. de uno Mesuagio uno Cotagio duobus
F 4 Gar-

gardinis duobus pomariis triginta & nobem
acris terre tresdecim acris prati decem &
septem acris pasture & communia pasture p
omnibus averiis cum p̄iud in S. alias, &c.
Et nisi, &c.

Et est Concordia talis scilicet quod predicti
Comes Comes & T. recognov̄ predicta Te-
nemente & Communiam Pasture cum per-
tineñd esse suis ipsius J. S. ut illi que idem
J. habet de dono predictorum Comitum Co-
mitis & T. Et illi remiserunt & quiete cla-
maverunt de se & heredibus suis imperpe-
tuum Et preterea idem Comes W. con-
cessit pro se & heredibus suis quod ipsi war
predicto J. S. & heredibus suis predicta Te-
nemente & Communiam Pasture cum perti-
neñd contra predictum Comitem & heredes
suos Ac contra heredes J. Comitum W. &
M. uxor̄is eius Patris & Matris predicti
Comitis G. M. Avis predicti Comitum & H.
S. Militis defunctorum ac contra predictum
Comitem C. & T. & heredes suos ac contra
omnes alios clamantes per predictos Comi-
tem Comitem & M. G. H. Comitem & T.
aut eorum aliquem imperpetuum Et ulte-
rius idem Comes concessit pro se & heredibus
suis quod ipsi war predicto J. S. & heredi-
bus suis predicta Tenemente & Communiam
Pasture cum pertinentiis contra predictum
Comitem & heredes suos imperpetuum Et
etiam idem T. concessit pro se & heredibus
suis quod ipsi war predicto J. S. & heredi-
bus suis predicta Tenemente & Communiam
pasture cum p̄iud contra predictum T. & her-
edes suos imperpetuum Et pro hac, &c.

Capit & cognit p p̄dictos Comi-
tem W. & Comitem C. 28 die
Junii Anno Regni Regis Caro-
li secundi 23. coram nobis

H. A.
G. T.

Per Deo
Potestat
Teste 27
die Junii
Anno 13.
supra-
dicto.

Capit & cognit p p̄dictum T. pri-
mo die Julii Anno Regni Regis
Caroli secundi 13. coram

J. S.
J. D.

From Husband and Wife, Cognisors to one
Cognisee, of the yearly Rent of six
Pounds and a Mark, issuing out of sever-
al Messuages in *London*; being a Fine *sur*
concessit for ninety nine Years, (if the Wife
shall so long live.)

London' ff. **P** Recipe Willo Pierson & Eli-
saberthe urozi ejus quod fuisse,
&c. ten Roberto Smith Armigero Conven-
tionem, &c. de Annuali Redditu sex Librar-
tresdecim Solidorum & quatuor Denariozum
exerund de quatuor Mesuagiis cum pertineud
in parochia Sancti Johannis Evangeliste Et
nisi, &c.

Et est concordia talis scit quod predicti
Willus & Elisabetha concesserunt predicto
Roberto p̄dict Redditum habend & percipiend
predict Redditum eidem Robto a Festo Sti
Michaelis Archangeli ult p̄terit usque finem
termini nonaginta & novem annorum extunc
prox' sequend & plenarie complend (si p̄dict
Elisabetha tandiu vixerit) Et predict Will-
helmus

Helmus & Elisabetha war p̄dict Robto p̄dict
 Redditum sicut p̄dict est contra p̄dict Williel-
 mum & Elisabetham toto termino p̄dict (si p̄-
 dicta Elisabetha tandiu vixerit) Et p̄ hac, &c.

Capit & cognit, ut supra.

*A Fine levied upon three Writs of Cove-
 nant, viz.*

1. Of divers Honors, Castles, Manors, Parks,
 several Messuages, Cottages, Mills, Dove-
 houses, certain Land, Meadow, Pasture,
 Wood, Furze and Heath, marish Ground,
 of Rent, of Common of Pasture, View
 of Frank-pledge, and whatsoever belongs
 thereto, Knights Fees, Wards, Marriages,
 Escheats, Waifs, Estrays, Goods and Chat-
 tels of Felons, Fugitives and Outlaws, Per-
 sons attainted, Felons *de se*, Deodands, Trea-
 sure-trove, Markets, Wrecks of the Sea,
 free Warren, free Fishing in the Waters
 of *D. H.* and *T.* of the Advowson of the
 Church of *B. P.* as also of the Moiety of
 the Manor of *H.* and of the Knights Fees,
 Wards, Marriages, Escheats, Waifs, Estrays,
 Goods and Chattels of Felons, Fugitives
 and Outlaws, and Persons attainted, Fairs,
 Markets, Wrecks of the Sea, and free
 Warren in *H.* and of the fourth Part of
 the Hundred of *H.* as also of the eighth
 Part of a Barn in *D.* in the County of
Devon.
2. Of a Manor, several Messuages, Cotta-
 ges, Corn-mills, a Dove-house, several
 Gardens, Orchards, great Quantities of
 Land, Meadow, Pasture, Wood, Furze
 and Heath, and 60 *s.* Rent in *M. &c.* in
 the County of *Wilts, &c.*
3. Of

Of Land, Meadow, Pasture, Furze and
Heath in *M. &c.* in the County of *Somerset.*

Devon' ff. **P** Recipe C. S. Barouetto & A.
uxori ejus C. S. Armigero
filio & heredi apparen' p'dicti C. & M. uxori
ejus & C. S. quod iuste, &c. teneant R. C.
Generoso & C. L. Generoso Conventionem,
&c. de Honoribus de T. & B. P. cum p'tin
Ac de Castris de T. & B. P. cum p'tin Ac
de Maneris de T. & B. P. cum p'tin Rec
on de Parcis de T. & B. P. cum p'tin Ac
tiam de nonaginta Mesuagiis quadraginta
Cotagiis quinq; Molendinis duobus Colum
ar mille & ducentis Acris Terre quingen
s Acris Part octingentis Acris Pasture
ducentis Acris Bosci quadringent Acris Tamp
orum & Buere centum Acris Marisci
iginti Librat Reddit Communia Pasture
his Franc pleg & quicquid ad his Franc
leg p'tinet Feod Milit Wardis Maritagiis
Eschaetis bonis & catallis Wabiat extrahur
bonis & catallis Felonum Fugitivorum Ue
agatorum Attinctorum Felonum de se Deo
and' Thesaurar' invent Fetiis Mercatis
Trecco Paris & libera Warennia cum per
inend in Totnes Bury Pomeroy Bzidge
Town Pomeroy Petherton Longerombe par
a Hempston Iplepen Aston alias Affeton
Lodestwell Huishe & Denbury Ac de libera
Discaria in Aquis de Darte Pusburne & Tot
es Pecnon de Advocatione Ecclesie de Bu
y Pomeroy Acetiam de Medietate Mani
e Hurberton alias Harberton cum perti
entiis & feod Militum Wardorum Maritas
iozid Escaet bonorum & catallozum wabiat
extrahur bonorum & catallozum Felonum
Fugitivorum Uelagatorum Attinctorum Fe
riarum

riarum Mercatorum Wrecc' Paris & libere
 Warene cum p'tin in Hurberton alias Her-
 berton Ac de quarta parte Hundredi de Heyton
 cum p'tin Pecnon de octava pte unius hord-
 cu p'tin in Denburie Et nisi, &c.

Wilt's ff. **P** Recipe eisdem quod iuste, &c.
 teneant eisdem Conventionem
 &c. de Paner de Mayden Bradley cum p'tin
 Ac de quinquaginta & quinque Pesuagiis de
 cem & octo Cotagiis duobus Molendinis Co-
 naticis uno Columbar' septuaginta Pomariis
 quadringentis Acris Terre centum Acris
 Prati sexcentis Acris Pasture quadringentis
 Acris Bosci quingentis Acris Fampnozorum
 Buere & sexaginta solidat Reddit cum p'tin
 in Mayden Bradley Horningesham & Baycliff
 Et nisi, &c.

Somerf. ff. **P** Recipe eisdem quod iuste, &c.
 teneant eisdem Conventio-
 nem, &c. de octoginta Acris Terre viginti
 Acris Pasture & viginti Acris Fampnozorum
 Buere cum p'tin in Mayden Bradley Ho-
 ringesham Baycliff & Parnefeild Et nisi, &c.

Et est Concordia talis scilicet quod P'dictus
 Edwardus & Anna Edwardus & Margareta
 & Elisabetha recognoverunt p'dicta Honores
 Castra Maneria Parcos Tenementa Reddit
 Communitam Pasture Vis Franc' pleq' f'ed
 Milit' Wlad' Maritaq' Elcaet bona & catalla
 la waviaf extrahur bona & catalla Felonum
 Fugitivorum Utlagatorum Attinctorum Fe-
 lonum de se Deodand' Thelaur' invent' Fe-
 rias Mercat' Wreccum Paris Warennam
 piscariam Medietatem & Partes cum p'tin
 Ac Advocacionem p'dictam esse sup' ipsius Ho-

berti ut illi que iidem Robertus & Georgius
 habent de dono predictorum Edwardi & Anne
 Edwardi & Margarete & Elisabethe Et illi
 remiserunt & quiete clamaverunt de ipsis Ed-
 wardo & Anna Edwardo & Margareta & Eli-
 sabetha & heredibus suis predictis Roberto &
 Georgio & heredibus ipsius Roberti imperpe-
 tuum Et preterea iidem Edwardus Seymour
 Baronettus & Anna concesserunt pro se & he-
 redibus ipsius Roberti quod ipsi war pres-
 dictis Roberto & Georgio & heredibus ipsius
 Roberti predicta Honores Castra Maneria Par-
 cos Tenementa Reddit Communiam Pasture
 Misi Franc pleg Feod Milit Ward Maritag
 Escaet bona & catalla wariat extrahur bona
 & catalla Felonum Fugitivorum Atlagato-
 rum Attinctorum Felonum de se Deodand
 Thesaur invent Férias Mercata Wreccum
 Paris Warennam Piscariam Medietatem &
 Partes cum ptiid Ac advocacionem predictam
 contra predictos Edwardum & Annam & heredes
 ipsius E. imperpetuum Et ulterius iidem Ed-
 wardus Seymor Armiger & Margareta concel-
 serunt pro se & heredibus ipsius Edwardi
 quod ipsi war predictis Robto & Georgio & he-
 redibus ipsius Roberti predicta Honores Castra
 Maneria Parcos Tenementa Reddit Com-
 muniam pasture Misi Franc pleg Feod Milit
 Ward Maritag Escaet bona & catalla wa-
 riat extrahur bona & catalla Felonum Fu-
 gitivorum Atlagatorum Attinctorum Felonum de
 se Deodand Thesaur invent Férias Mercat
 Wreccum Paris Warennam Piscariam Me-
 dietatem & Partes cum ptiid ac Advocacio-
 nem predictam contra predictum Edwardum &
 Margaretam & heredes ipsius Edwardi im-
 perpetuum Et insuper eadem Elisabetha con-
 cessit pro se & heredibus suis quod ipsi war
 predictis

poitis Robto & Georgio & heredibus ipsius
 Robti poiti honores Castra Mania Parco
 Tenementa Reddit Communiam Pasture
 Franc pleñ Feod Milit Ward Marita
 Elcaet Bona & Catalla wariat extrah
 Bona & Catalla Felonum Fugitivozum
 lagatozum Attintozum Felonum de se De
 vand Thesaur invent Férias Mercat Ware
 cum Paris Marennam Piscariam Mediet
 tem & partes cum pertin ac Advocacione
 dictam contra ipsam Elisabetham & heredes suos
 imppetuum Et p hac, &c.

Capit & cogit, &c. ut supra.

An Affidavit (taken by any of the Justices
 of the Common Pleas) upon the due
 Execution of the *Dedimus Potestatem* by
 Commissioners in the Country.

ARthur Bond, Gent. (one of the Commis-
 sioners in the Writ of *Dedimus* named
 maketh Oath, That this Fine was duly executed
 the Cognisees of full Age, and the Feme Cover
 being secretly and apart examined, willingly con-
 sented.

Arthur Bond.

Of a Manor, Grange, divers Messuages, Cor-
 tages, several Quantities of Land, Mea-
 dows, Pasture, Furze and Heath, from five
 Cognisors, (the four last being two Hus-
 bands and their Wives) with Warranty by
 the first Cognisor against him and his
 Heirs, and against the other four Cogni-
 sors and their Heirs, and against the Heirs
 of the Father of two first Cognisors, and
 against all Persons claiming by them, or
 any

any of them. 2. Warranty against the second and third Cognisors and the Heirs of the Husband, and all the other Persons named in the first Warranty. 3. Warranty against the two last Cognisors, and the Heirs of the Husband only.

Nott' ff. **P** Recipe Gervasio Cresley Generoso
lo Johi Cresley Generoso & Ma-
rie urozi ejus & Robto Bingham Generoso & Ma-
rie urozi ejus & Robto Bingham Generoso & Ma-
rie urozi ejus quod iuste, &c. teneant
Robto Clifton Armigero Conventionem, &c.
de Manerio de D. alias, &c. cum p'tin' Ac de
Gzangia de D. alias, &c. cum p'tin' Per non
de septem Meluagiis quatuor Coragiis ducen-
tis acris Terre viginti Acris Prati viginti
Acris Pasture & centum Acris Tarnporum &
Bzuerie in D. alias D. C. alias D. S. H. R.
B. Et nisi, &c.

Et est Concordia talis scilicet quod predicti
Gervasius Johes & Maria & Robtus Bing-
ham & Elisabetha recognoverunt predicta Ma-
nerium Gzangium & tenementa cum p'tin'
ille ius Robti Clifton ut illa que idem Ro-
bertus habet de dono predictorum Gervasii Jo-
annis & Marie & Robti Bingham & Elisa-
bethe Et illa remiserunt & quiete clama-
verunt de se & heredibus suis predicto Robto
Clifton & heredibus suis imperpetuum Et
terea idem Gervasius concessit pro se & here-
dibus suis qd ipsi war' predicto Roberto Clifton
& heredibus suis predicta Manerium Gzangium &
Tenementa cum p'tin' contra predictum Ger-
vasium & heredes suos ac contra predictos Jo-
annem & Mariam & Robertum Bingham &
Elisabetham & heredes suos ac contra he-
redes Parke Cresley Generosi defuncti Pa-
tris

tris ipsorum Gervasii & Johannis Ac contra
 omnes alios clamantes per p̄dictos Gervasium
 Johannem & Mariam Robertum Wingham
 & Elisabetham & Parke aut eorum aliquem
 imperpetuum Et ulterius iidem Jo & Maria
 concesserunt pro se & heredibus ipsius Jo q̄
 ipsi war p̄dicto Roberto Clifton & heredibus
 suis p̄dicta Manerium Grangium & Tenementa
 cum p̄tind contra p̄dictos Johannem & Ma-
 riam & heredes ipsius Johannis contra p̄-
 dictos Gervasium & Robertum Wingham & Eli-
 sabetham & heredes suos Ac contra heredes
 p̄dicti Parke ac contra omnes alios claman-
 tes per p̄dictos Johannem & Mariam Ger-
 vassium Robertum Wingham & Elisabetham
 & Parke aut eorum aliquem imperpetuum
 Et etiam iidem Robertus Wingham & Eliza-
 betha concesserunt pro se & heredibus ipsius
 Roberti quod ipsi war p̄dicto Roberto Clif-
 ton & heredibus suis p̄dicta Manerium Grangium
 & Tenementa cum p̄tind contra p̄dictum
 Robertum Wingham & Elisabetham & heredes
 ipsius Roberti imperpetuum Et pro hac
 &c.

Capit & cognit p̄ supra nomi-
 natum Johannem Cressley
 vicesimo tertio die Augusti
 Anno Regni Regis Car sc̄bi
 quartodecimo coram nobis

R. Edge
 T. Toplage.

Capit & cognit p supranomi-
cos Gerhartum Cresley
Robertum Bingham & Eliza-
betham uxore ejus vicesimo
quinto die Augusti Anno
quartodecimo supradict coram
nobis,

R. Edge.
J. Toplage.

Capit & cognit p supranomi-
natam Mariam Cresley ux-
orem p'dicti Johannis Cresley
vicesimo scdo die Novemb
Anno quartodecimo supra-
dicto coram nobis,

G. Holland.
R. Edge.

A Fine with several Warranties.

North' ff. **P** Recipe Rogero H. Armigero
Agneti H. vidue Johanni H.
Genoso Katherine H. Josepho H. & Anne
uxori ejus Robto W. Genoso & Elizabeth
uxori ejus & Francisce H. quod iuste, &c. te-
neant Johanni C. Militi & Baronetto Con-
ventionem, &c. de Manis de S. alias, &c. &
W. cum p'dict Ac de decem Mesuagiis duo-
bus Cotagiis duodecim Gardinis duodecim
Domariis sexcentis & quinquaginta Acris Ter-
te sexaginta Acris pasture triginta Acris Bosci
centum Acris Jampnoz & Buere & Commu-
nia Pasture p omnimodis agiis cum p'dict in
D. & W. Et nisi, &c.

Et est Concordia talis scilicet quod p'dicti Ro-
gerus Agnes Johannes H. Katherine Josephus
[Vol. 1.] G

& Anna Robtus & Elizabetha & Francisca re-
 cogn p̄dicta Maria Tenementa & Commu-
 niam Pasture cum p̄t̄n esse suis ipsius Johanne
 nis L. ut illi que idem Johannes habet de do-
 no p̄dicti Rogeri Agnetis Johannis H. Ka-
 therine Iosephi & Anne Roberti & Elizabetha
 & Francisce Et illi remiserunt & quiete cla-
 maverunt de ipsis Rogero Agnete Johanne
 Katherina Iosepho & Anna Roberto Elizabetha
 & Francisca & heredibus suis p̄dicto Johanne
 L. & heredibus suis imppetuum Et preterea
 idem Rogerus concessit p̄ se & heredibus suis
 quod ipsi war p̄dicto Johanne L. & heredibus
 suis p̄dicta Manerium Tenementa & Commu-
 niam pasture cum p̄t̄n contra p̄dicti Rogeri
 Agnetem Johanne H. Katherinam Iosephum
 & Annam Robertum & Elizabetham & Fran-
 ciscam & heredes suos Ac contra heredes Ro-
 geri H. Armig defuncti patris p̄dicti Rogeri
 Willielmi H. Armig defuncti Avi p̄dicti Ro-
 geri Ac contra omnes alios clamantes p̄ p̄-
 dictos Rogeri Agnetem Johannem H. Katheri-
 nam Iosephum & Annam R. & Elizabetham
 Franciscam Rogeri & Willielmum aut eorum
 aliquem imppetuum Et ultius eadem Agnes
 concessit p̄ se & heredibus suis quod ipsi war
 p̄dicto Johanne L. & heredibus suis p̄dicta Ma-
 nerium Tenementa & Communiam pasture cum
 p̄t̄n contra p̄dictam Agnetem & heredes suos
 imppetuum Et insuper idem Johannes H.
 concessit p̄ se & heredibus suis quod ipsi war
 p̄dicto Johanne L. & heredibus suis p̄dicta Ma-
 nerium Tenementa & Communiam pasture cum
 p̄t̄n contra p̄dicti H. & heredes suos imppe-
 tuum Et etiam eadem Katherina concessit
 pro se & heredibus suis quod ipsi war p̄dicti
 Johanne L. & heredibus suis p̄dicti Manerium
 Tenementa & Communiam pasture cum p̄t̄n
 contra

contra p̄dict̄ Katherineam & heredes suos imperpetuum Et etiam iidem Iosephus & Anna concesserunt p̄ se & heredibus ipsius Anne quod ipsi war p̄dict̄ Johanni L. & heredibus suis p̄dict̄ Manium Tenementa & Communiam pasture cum p̄iud̄ contra p̄dictos Iosephum & Annam & heredes ipsius Anne imperpetuum Et etiam iidem Robtus & Elizabetha concesserunt p̄ se & heredibus ipsius Elizabethæ quod ipsi war p̄dict̄ Johi L. & heredibus suis p̄dict̄ Manium Tenementa & Communiam pasture cum p̄iud̄ contra p̄dict̄ Robtum & Elizabetha & heredes ipsius Elizabethæ imperpetuum Et etiam eadem Francisca concessit p̄ se & heredibus suis quod ipsi war p̄dicto Johanni L. & heredibus suis p̄dicta Manium Tenementa & Communiam pasture cum p̄iud̄ contra p̄dictam Franciscam & heredes suos imperpetuum Et p̄o hac, &c.

Capt̄ & cognit̄ (ut supra.)

A Præcipe of several Rents.

Comers. ff. **P**recipe T. B. Genoso q̄d iuste &c. teneat M. B. Generoso Conventionem, &c. de Panerio de R. S. cum p̄iud̄ ac de quatuor Mesuagiis quatuor Toctis quatuor Molendinis septem Columbar viginti Gardinis centum Acris Terre ducentis Acris Prati trescentis Acris Pasture trescentis Acris Bosci decem solidat reddit̄ & reddit̄ duar̄ librat Piperis & duar̄ librat Cumini ad percipiendū p̄ R. S. T. S. P. & C. Pecnon Advocatione Ecclesie de R. S. Et nisi, &c.

Et est Concordia talis scilicet quod p̄dict̄ T. recogn̄ p̄dicta Panerium Tenementa & Reddit̄ cum p̄iud̄ ac Advocationem p̄dict̄ esse sus, &c.

Of two Acres of Pasture.

Midd' ff. **P** Recipe Roberto R. Generoso & Anne uxori ejus qđ fuisse, &c. teneant Thome B. Militi Conventionem, &c. de duabus acris Pasture cum ptiid in parochia Scti Leonardi Shoreditch Et nisi, &c.

Et est Concordia talis scilicet qđ pdict Robertus & Anna recognovissent pdictam pasturam cum ptiid esse jus, &c.

A Fine upon two Writs of Covenant from a Duke and his Lady, and another Person, to a Marquess, of Castles, Parks and Tenements.

N. ff. **P** Recipe G. Duci B. & A. uxori ejus & R. G. Armigero quod fuisse, &c. teneant W. Marchioni R. C. S. T. Conventionem, &c. de Castro de R. cum ptiid ac de parco de R. cum ptiid Pecnon de decem Mesuagiis decem Cotagiis decem Gardinis decem Pomariis centum Acris terre ducentis acris prati trescentis acris pasture decem acris bosci & viginti Acris Parisci cum ptiid in R. L. &c. Et nisi, &c.

V. N. ff. **P** Recipe eisdem quod fuisse, &c. teneant eisdem Conventionem, &c. de Castro de R. cum ptiid ac de parco de R. cum ptiid Pecnon de decem Mesuagiis decem Cotagiis uno Columbarum centum acris terre ducentis acris prati trescentis acris pasture decem acris Bosci & viginti acris maris cum ptiid in W. R. Et nisi, &c.

Et est Concordia talis scilicet quod predicti
dux & M. & R. recognoverunt predicta castra
parcos & tenementa cum pertinentiis esse suis ipsius
Marchionis ut illi quod idem Marchio habet de
duo predicti Ducis & M. & R. Et illi remis-
erunt & quiete clamaverunt de ipsis Duce & M.
& R. & heredibus suis predicti Marchioni & he-
redibus suis imppetuum Et preterea iidem
dux & M. concesserunt pro se & heredibus
ipsius Ducis quod ipsi war predicti Marchioni
& heredibus suis predicta castra parcos & Te-
nementa cum pertinentiis contra predictos Ducem & M.
& heredes ipsius Ducis imppetuum Et ultimus
idem R. concessit pro se & heredibus suis
quod ipsi war predicti Marchioni & heredibus
suis predicta castra parcos & Tenementa cum per-
tinentiis contra predicti R. & heredes suos imppetuum
Et per hac, &c.

Capt & cognit ut supra.

from the same Cognifors to other Cogni-
fees, of a Manor, Tenements, Rent,
Mines, Courts-Leet, View of Frank-
Pledge, Estrays, Goods and Chattels of
Felons and Fugitives, Felons *de se*, and Out-
lawed Persons, Deodands, Knights Fees,
Wards, Marriages, Reliefs, Escheats,
Fines, Amerciaments, Fairs, Markets,
Toll, Rights, Jurisdiccions, Liberties and
Privileges in eight Towns in the Coun-
ty of D.

D. H. **P** Recipe G. Duci B. & M. uroxi ejus
& R. G. Armigero quod iuste, &c.
teneant P. B. Armigero & R. C. Generoso

Conventionem, &c. de manerio de H. cum p-
tin ac de ducentis mesuagiis centum cotagiis
ducentis gardinis ducentis pomariis tribus
mille acris pasture mille acris bosci decē mille
acris jampnozū & bzuerē duabus mille acris
moze decem librat reddit miner cur let Wiā
franc pleg extrahur bona & catalla felonum
& fugitivozū felonum de se & in exigend po-
sit deodand feod milit ward maritag rele-
viis escaet finibus amerciand nundinis mer-
cat feriis tolne sur jurisdictionibus libertati-
bus & privilegiis cum pectin in Harrington
alias Hertington Figginge Heathcote Lade
wale Sternedale Crowdecote Foxlowe & Grene
Et nisi, &c.

Et est Concordia talis scilicet qd pdict Dux
& H. & R. recogn pdict manerium tenementa
reddit miner cur let Wiā franc pleg extras-
hur bona & catalla felonum & fugitivozū
felonum de se & in exigend possit deodand feod
milit ward maritag relevia escaet fines amerci-
ament nundin mercat ferias tolne sur ju-
risdictiones libertat & privileg cum pectin esse
jus ipsius H. ut ill que iidem H. & R. ha-
bent de dono predictozū Ducis & H. & R.
Et ill remiserunt de se & heredibus suis p-
dictis H. & P. & heredibus ipsius H. imppe-
rium Et preterea iidem Dux & P. concesser-
unt p se & hered ipsius Ducis quod ipsi war-
pdict H. & R. & heredibus ipsius H. pdict man-
nerium tenementa reddit miner cur let Wiā
franc pleg extrahur bona & catalla felonum
& fugitivozū felonum de se & in exigend
possit deodand feoda milit ward maritagium
relevia escaet fines amerciamenta nundin
mercata ferias tolne sur jurisdictiones li-
bertat

bertat & privileg cum pñd contra pñct Du-
cem & D. & heredes ipsius Ducis imppetuum
Et ultius idem R. concessit p se & hered suis
quod ipsi war pñct D. & R. & heredibus ipsius
D. pñct manerium tenementa reddit miner
cur let Wñ Franc pleg extrahur bona & cas
talla felonum fugitivorum felonum de se & in
erigend possit deodand feod milit ward maritag
relevia escaet fines amerciamenta nundin
mercat ferias tolnef iur jurisdictiones libertat
& privileg cum pñd contra pñct R. & heres
des suos imppetuum Et pro hac, &c.

Capit & cognit, &c.

Of severall Manors, Messuages, Cottages,
Dove-houses, Gardens; great Quantities
of Land, Meadow, Pasture, Furze and
Heath; of Rent, Common of Pasture
for all manner of Cattle, Free-Fishing,
View of Frank-Pledge, and whatsoever
belongs thereunto; Mines, Quarries,
Knights Fees, Wards, Marriages, Re-
liefs, Herriots, Issues, Fines, Amercia-
ments and Forfeitures, Goods and Chat-
tels of Persons Outlawed, and sued to
the Exigent, Waifs, Estrays, Goods and
Chattels of Traitors, Felons *de se*, Fugi-
tives, Persons condemned, and convicted,
and attainted, Deodands, Natives, Na-
tives and Villains, Fairs, Markets, Toll,
Stallage, Picage, Pontage, Treasure
found, and to be found; and of all Rights,
Regalities, Jurisdictions, Franchises, Li-
berties, Profits, Commodities, Privileges
and Emoluments whatsoever, &c.

Heref. ff. **P** Recipe G. Duct B. & M. upo
 ejus & R. G. Arm qd iuste
 &c. teneant L. B. Arm & J. P. Gen Cons
 ventionem, &c. de maneriis de L. alias L.
 M. W. S. St. J. & H. cum pñd Ac de du
 centis Meluaglis quinquaginta Cotaglis quin
 que Columbar ducentis Gardinis quatuor
 mille acris terre quatuor mille acris prati
 tribus mille acris pasture mille acris Tampo
 nozum & Buere quinquaginta & tribus librat
 Reddit Communia pasture p omnimodis A
 tiis Libera Piscaria Wiß Franc pleg & quic
 quid ad Wiß Franc pleg ptinet Miner Quar
 Feod Milit Warb Paritag Relevis Periot
 Crit Finibus Amerciamen & forisfactur Bo
 nis & Catallis Ulagat & in exigend poss
 Wabiat & Extrahur Bonis & Catallis pro
 ditor Felonum Felonum de se Fugitivorum
 dampnat convict & attrinct Deodand Patibis
 Patibis & Willanis Rundingis Mercatis Fe
 riis Tolner Stalag Picaß Pontag Thelaur
 indent & inveniend Ac omnibus Int Rega
 litat Jurisdiction Francheß Libertat Pro
 ficuis Comoditat Privileg & Emolument quib
 buscunque cum pertind in L. alias L. M. W.
 S. St. J. H. S. C. B. H. H. W. B. W. J.
 W. B. M. M. D. B. H. W. R. D. C. & A. C.
 nist, &c.

Et est Concordia talis scilicet qd pñct Dur
 & M. & R. recogn pñct Maneria Tenementa
 Reddit Communiam pasture Piscar Wiß
 Franc pleg Miner Quar Feod Milit Warb
 Paritag Relevis Periot Crit Fines Amer
 ciamenta & forisfactur Bona & Catalla U
 lagat & in exigend possit Wabiat Extrahur
 Bona & Catalla Proditorum Felonum Fe
 lonum

lonum de se fugitivorum dampnat convict &
attinct deodand nativos nativas & villanos
nundin mercat ferias tolneſt ſtallaſ picaſ
pontag theſaur invent & inveniend ſur
regalitat Jurisdictiones Francheſ Libertat
Proſicua Commoditat Privileg & Emolument
cum pñd eſſe ſus ipſius T. ut ill que ſidem
T. & J. habent de dono pñdorum Ducis &
M. & R. Et ill remiſerunt & quiet clam de
ipſis Duce & M. & R. & heredibus ſuis pñct
T. & J. & heredibus ipſius T. imppetuum Et
preterea ſidem Dux & M. conceſſerunt p ſe &
heredibus ipſius Ducis qd ipſi war pñct T. &
J. & heredibus ipſius T. pñct Maneria Tenes
menta Reddit Communia paſture piſcar Wiſ
franc pleg miner quar feod milit ward maritaſ
relebia herioſ erit fines amerciamenta for
riſfactur bona & catalla utlagar & in exigend
poſit wariat extrabur bona & catalla prodito
rum felonum felonum de ſe fugitivoy damp
nat convict & attinct deodand nativos nativas
& villanos nundin mercat ferias tolneſt
ſtallaſ picaſ pontag theſaur invent & inveni
end ſur regalitat Jurisdictiones Francheſ liber
tat Proſicua Commoditat Privileg & Emolu
ment cum pñd contra pñctos ducem & M. &
heredes ipſius Ducis imperpetuum Et ultius
idem R. conceſſit p ſe & heredibus ſuis quod
ipſi war pñct T. & J. & heredibus ipſius
T. pñct maneria tenementa redditum com
munitam paſture piſcar Wiſ franc pleg mi
ner quar feod milit ward maritaſ relebia
herioſ erit fines amerciamenta forriſfactur
bona & catalla utlagar & in exigend poſit
wariat & extrabur bona & catalla prodito
rum felonum felonum de ſe fugitivorum damp
nat convict & attinct deodand nativos na
tivos & villanos nundin mercat ferias
tolneſt

colnet stallag' picag' pontag' thesaur' in-
 bent & inveniend' sur' regalit' jurisdictiones
 franchise libertat' p'oficua commoditates p'io-
 b'ilegis & emolumentis cum pertind' contra
 p'dictum R. & heredes suos imperpetuum Et
 p' hac, &c.

Capit & cognit' (ut supra.)

Of a Manor, Messuages, a Cottage, Gar-
 dens, Orchards, Land, Meadow, Pa-
 sture, Pasture for twenty Cattle, and
 Common of Pasture.

Wiltes' ff. **P** Recipe Abrahamo Chamberlain
 Generoso & Iudithe urozi eius
 qd' iuste, &c. teneant Elizabethhe King vidue
 Conventionem, &c. de manerio de C. cum p-
 tiid' ac de duobus mesuagiis uno Cotagio tribus
 gardinis tribus pomariis ducencis & sexaginta
 acris p'ati quadraginta acris pastore pastura
 p' viginti adis & Communia pastura cum p'iid'
 in Cheriton alias Cherton & Cheberel Et nisi,
 &c.

Et est Concordia talis scilicet qd' p'dict' Abra-
 hamus & Iuditha recognoverunt p'dicta maner-
 rium tenementa pasturam & communiam
 pastura cum pertind' esse jus ipsius Elizabethhe
 ut ill' que eadem Elizabetha habet de dono
 p'dict' Abrahami & Iudithe Et ill' remis-
 runt & quiete clamaverunt de se & heredibus
 suis p'dict' Elizabethhe & heredibus suis im-
 perpetuum Et p'terea iidem Abrahamus & Iu-
 ditha concesserunt pro se & heredibus ipsius
 Abrahami qd' ipsi war' p'dict' Elizabethhe &
 heredibus suis p'dicta manerium tenementa
 pasturam

pasturam & communiam pasture cum pertind
contra predictos Abrahamum & Juditham &
heredes ipsius Abrahams imperpetuum Et p
ac, &c.

Capit & cognit, &c.

A Fine from Husband and Wife, to a Vis-
count, of five Acres of Land (only) with
two several Warranties, 1. By the Hus-
band against him and his Heirs. 2. By
the Husband and Wife against the Heirs
of the Wife.

Hertf. ff. **P** Recipe Thome King & Jane ux-
ori ejus qd fuisse, &c. teneant
Thome Fanshaw Mil Balnei (vicecom) Dos
homoz in Regno Hibernie) Conventionem,
&c. de quinque acris terre cum ptiid in Ware
Et nisi, &c.

Et est Concordia talis scit quod pdicti
Thomas & Jana recognoverunt pdict quinque
acras terre cum pertind esse suis ipsius Thome
Fanshaw ut ill que idem Thomas habet de
bono pdict Thome King & Jane Et ill
remiserunt & quiete clam de ipsis Thoma
King & Jana & heredibus suis pdicto Thome
Fanshaw & heredibus suis imperpetuum Et
preterea idem Thomas King concessit p se &
heredibus suis quod ipsi war pdicto Thome
Fanshaw & heredibus suis pdict quinque acras
terre cum pertind contra pdict Thomam King
& heredes suos imperpetuum Et ulterius
idem Thomas King & Jana concesserunt p
se & heredibus ipsius Jane quod ipsi war p-
dicto Thome Fanshaw & heredibus suis pdict
quinque acras terre cum pertind contra pdict
Thomam

Thomam King & Janam & heredes ipsius Jani
imppetuum Et p hac, &c.

Capit & cognit, &c. (ut supra.)

A *Præcipe* of divers Manors, an Hundred,
&c.

Salop' ff. **P**ræcipe Edwardo Dno H. de C.
& Anne uxori ejus qd iuste, &c.
teneant Johanni M. Generoso & Ebano U.
Generoso Conventione, &c. de maneris de
C. & A. cum ptiis ac de Hundredo de C. cum
ptiis Pecnon de sexdecim mesuagiis viginti
gardinis quadringentis acris terre sexcentis &
cris ptiis ducentis acris pasture centis & sexa-
ginta acris bolci quingentis acris jamprorum
& huere & sexaginta solidat reddit cum ptiis in
C. M. D. B. R. S. T. W. & P. Et nisi, &c.

Et est Concordia talis scit quod predicti
Edwardus & Anna recogni predicta Maneria
hundred tenta & reddit cum ptiis esse jus, &c.

A *Præcipe* of divers Manors, the Scites of
two dissolved Monasteries, the Scite of a
dissolved Priory, of several Messuages,
Tofts, Mills, Dove-houses and Gardens;
great Quantities of Land, Meadow, Pa-
sture, Wood, Furze, Heath and Marsh
Ground; of Rent, Common of Pasture,
Free-Warren, Free-Fishing, Mines, Quar-
ries, Courts-Leet, Courts-Baron, View of
Frank Pledge, Estrays, Goods and Chat-
tels of Felons and Fugitives, Felons *de se*,
and of Persons sued to the Exigent, Deo-
dands, Knights Fee, Wards, Marriages,
Reliefs, Escheats, Issues, Fines, Amercia-
ments, Natives and Villains, Fairs, Mar-
kets,

kets, Toll, Rights, Royalties, Jurisdictions, Franchises, Liberties, Profits, Commodities, Privileges and Emoluments; of two Rectories, all manner of Tithes, &c. and the Advowson of a Rectory.

Lincoln' ff. **P** Recipe I. M. Gen quod iuste,
 &c. teneant G. L. Gen &
 W. D. Gen Conventionem, &c. de Panerlis
 de Bardney Southeray Topholme Anapth
 Stowe & Gateburton cum pñd ac Scitibus
 Monasteriorum dissolutorum de Bardney &
 Topholme cum pñtentiis Acetiam Scitu pri-
 orat dissolut de Hennings alias Hevenings
 alias Henpnygs alias Hevenpnygs cum pñd
 Pernon ducentis & quinquaginta Mesuagiis
 triginta Costis sex Molendinis sex Columbar
 ducentis & quinquaginta Gardinis tribus mille
 & quingentis Acris terre septentis Acris prati
 duabus mille Acris pasture septingentis Acris
 bosci mille Acris sampnozū & bzuers mille
 Acris marisci viginti uno librat sex solidat &
 octo denariat. Redit Communia pasture p om-
 nimodis Averiis Libera Warrenna Libera
 piscaria Miner Quar Cur Let Cur Baron
 Vis Franc pleg' Extrahur Bonis & Catallis
 felonum & fugitivorum felonum de se & in
 Crigend possit Deodand Feod pñt War
 Paritag' Relevis Escaetis Finibus Amercia-
 mentis Patibis Paribis & Villanis Sundis
 Mercatis Feriis Colnetis Juribus Regalitati-
 bus Jurisdictionibus Franchetis Libertatibus
 Proficiis Commoditatibus Privilegiis & Emo-
 lumentis quibuscunque cum pñd in Bardney
 Southeray Topholme Galibay Langton prope
 Horncastle Langton prope Wragby Lowth
 Branston Hanworth Roolo Metheringham
 Blankney

Blankney Dunston Knayth Hennings alias
 Hevenings alias Henyngys alias Hevenyngys
 Lee Burton Stowe Marten Langhterton Ca-
 tburton Kettlethorpe Littleborough Norman-
 by Wansby Willingham Cotes Fillingham
 Dwnby Harwick Newton Wrampton Fenton
 Upton Herby Ranby & Wragby ac Rectorie
 de Upton & Herby cum p̄c̄m Ac de omnibus
 & omnimodis Decimis annuatim proventu
 crescent seu renovand in Senage & Southeray
 Acetiam de Advocatione Rectorie de Knayth
 Et nisi, &c.

Et est Concordia talis scilicet qd̄ p̄dict J. &
 R. recogn̄ p̄dicta Paneria Scit Tenementa
 Reddit Communitam pasture Warrennam
 Piscat Miner Quar Cur Let Cur Warod
 Wisa Franc pleg Extrahur Bona & Catalla
 Felonum & Fugitivorum Felonum de se &
 in Exigend possit Deodand Feod Milit Ward
 Maritag Relevia Escaet Crit Fines Americ
 ament Rativos Rativas & Willan Pun-
 din Mercat Férias Tolnet Jur Regalitat
 Jurisdictiones Franches Libertat Proficua
 Commoditat Privileg Emolumenta Rectorias
 & Decimas cum p̄c̄m ac Advocationem p̄dict
 esse jus, &c.

Capt & cognit (ut supra.)

Of a Preceptory or Commandry of divers
 Manors, Hundreds, several Messuages,
 Mills, Gardens, great Quantities of Land,
 Meadow, Pasture and Wood, Free Fish-
 ing, Liberty of Foldage, Tithes, Ad-
 vowsons of Churches, and the Advow-
 son of a Vicaridge.

Norf. ff. **P**Recipe W. C. Arm & J. C.
 Gen & M. urozi ejus quod fuste,
 &c. teneant J. M. Gen & R. C. Gen Con-
 pentionem, &c. de Preceptorio alias Comman-
 dia de Carboke cum pñd Ac de Panerio de
 Whinberge alias Whinbarroughe Garston
 alias Gaverston Westfield Cranworth Butlers
 Woodrising Bentfields Skoulton Oldlands
 Carbooke Hospital Sancti Johannis Ierusalē
 & Carbooke Woodhall alias Latimers cum p-
 ñd Acetiam de Hundzedis de Mayland &
 Grimshoo cum pñd Pecnon de viginti & sex
 Mesuagiis duobus Molendinis viginti & sex
 Gardinis mille & sexaginta acris terre sexcen-
 tis & quadraginta acris prati duabus mille &
 ducentis acris pasture centum acris bosci libera
 piscar & libertate duorum Faldagiorum cum
 pñd in Whinberge alias Whinbarroughe
 Garston alias Gaverston Thurton Keymerston
 Poron alias Parham Matteshal Cranworth
 Letton Shipdham Westfield Woodrising
 Southbergh Bingham Skoulton Carbooke
 Matton Giston Caston Obington Sandring-
 ham Furnham Ingworth & Whorstead Ac de
 omnibus & omnimodis Decimis quibuscunque
 annuatim proveniend crescent seu renoband in
 Giston Castan & Carbooke Pecnon de Ad-
 vocationibus Ecclesiarum de Whinberghe alias
 Whinbarroughe Garston alias Gaverston
 Westfield Cranworth cum Letton Skoulton
 Woodrising Poron alias Parham & Thurton
 Acetiam de Advocatione Vicarie Ecclesie de
 Carbooke Et nisi, &c.

Et est Concordia talis scit qđ pñd W. J.
 & M. recogn pñda Preceptorium alias Com-
 mandiam Paneria Hundzed Tenementa pis-
 car

car Libertat & Decimas cum pñd ac Advocat
ones pñct esse ius ipsius J. ut illi que eidem J.
& R. habent de dono pñct W. J. & M. Et
remiserunt & quiete clamaverunt de ipsis W.
J. & M. & heredibus suis pñct J. R. & he
redibus ipsius J. imperpetuum Et preterea
idem W. concessit pro se & heredibus suis
quod ipsi war pñct J. & R. & heredibus ip
sius J. pñcta Preceptorium alias Comm
mandiam Paneria Hundres Tenementa Piscar
Libertat & Decimas cum pñd ac Advocations
pñct contra pñct W. & heres suos imperpetuum
Et ultius eidem J. & M. concesserunt p se &
heredibus ipsius J. quod ipsi war pñct J. & R.
& heredibus ipsius J. pñcta Preceptorium alias
Commandiam Paneria Hundres Tenementa
Piscar Libertat & Decimas cum pñd ac Ad
vocations pñct contra pñct J. & M. & heres
des ipsius J. imperpetuum Et p hac, &c.

Capit & cognit, &c. (ut supra.)

A Fine sur Concessit for the Term of 500
Years (without Impeachment of Waste)
of the third Part of a Manor, Messuages,
Gardens, Orchards, Land, Meadow, Pa
sture and Wood.

Ex' R. **P** Recipe Johanni Clarke Clerico &
Margarete urozi eius quod iuste
&c. teneant Roberto Duke Conventione, &c.
de terra pie Panerii de Over Welbham alias
Over Welbham Hall alias parva Welbham
cum pñd Ac decem Mesuagiorum duorum
Gardinzum duorum Pomariorum trescentarum
Acrarum Terre viginti Acrarum Prati duo
centarum Acrarum Pasture & triginta Acrarum
rum Forci cum pñd in Welbham parva alias

Ober Peldham Necher Peldham Scambozne
 Tilbury iuxta Clare Tippiisfield Castle Hed-
 ington Heddingham Sible Westingthorpe
 Belchampe Saynte Paule Otten Belchampe
 Kiddelwell & Belchampe William Et nifi,
 &c.

Et est Concordia talis scilicet quod predicti Jo-
 hannes & Margareta concesserunt predicto Robto
 predictam terram cum pertinentiis habendam & tenendam
 eidem Robto a Festo Nativitatis Sancti Johis
 Baptiste usque preterit usque finem termini quin-
 centorum annorum extunc prosequens & ple-
 narie complendum absque impetitione alicujus vassalli
 reddendum inde annuatim predicti Johi & Marga-
 rete & heredibus ipsius Margarete unum grandem
 superis ad Festum Natalis Domini annuatim sol-
 vendum toto termino predicto si petatur Et predicti
 Johannes & Margareta & heredes ipsius Margarete
 contra predictum Robto predictam terram pertinentiam sicut
 predictum est contra predictum Johem & Margareta & he-
 res ipsius Margarete toto termino predicto Et p
 ac, &c. Capit & cognit, &c. ut supra.

*Præcipe of a Messuage, Dove-house, Gar-
 dens, Land, Meadow, Pasture and Wood,
 of two Parts of a Manor, and 150 Acres
 of Land, 40 Acres of Meadow, and 200
 Acres of Pasture, Common of Pasture
 for all manner of Cattle, two Parts of a
 Rectory, and the Tithes of Corn, Hay,
 Wool and Lamb, and all other Tithes
 whatsoever.*

bor' ff. **P**recipe Henrico Hall Armigero &
 Ricco Darley Gen quod iuste, &c.
 neant Willielmo Thorueton Armigero &
 Thome Alured Gen Conventionem, &c. de
 no Mesuagio uno Columbar' duobus Gardinis
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ducentis & septuaginta acris terre octoginta & sex acris prati centum triginta & sex acris pasture & quadraginta acris bosci ac de duabus partibus manerii de Bishop Wilton cum pertinentiis centum & quinquaginta acrarum terre quadraginta acrarum prati & ducentarum acrarum pasture ac etiam communia pasture pro omnibus Aberiis cum pertinentiis in Bishop Wilton & Geldal necnon duabus partibus rectorie de Bishop Wilton cum pertinentiis ac omnium & omnium decimarum garbarum Feni Lane ac Agnellorum ac omnium aliarum decimarum quarumcunque annuatim crescendū renobandū & contingendū in Bishop Wilton & Geldall Et nisi, &c.

Et est Concordia talis scilicet quod predicti Henricus & Richardus recognoverunt predicta Tenementa partes & Communiam pasture cum pertinentiis esse ius, &c.

A *Præcipe* where the Sheriff of the County is Cognizee, and therefore the Writ of Covenant is directed to the Coroners.

Buck. ff. **P**receptum Darby Doria Generoso & Bare uxori eius quod iuste, &c. teneant Roberto Gayer Militi Balnei Willelmi Comitis Buck. Conventionem, &c. de uno messuagio uno gardino uno pomario octo acris terre duabus acris prati & communia pasture cum pertinentiis in Stoke Poges Et nisi, &c. Nota quod Willelmus de Comitibus directus Coronatoribus fuit in Willelmo Michaelis Teste octavo die Decbris Anno Regni nostri xv. (Et tunc post teste hec clausula inseritur) Quia predictus Robertus est mortuus Willelmo Comite predicto Ideo cum Executione istius Brevis aliquantulum se non incromittat sed sit Executio eiusdem per Coronatores supradictos.

Et est Concordia talis scilicet quod predicti
 Darby & Sara recognoverunt predicti Tenemen-
 ta & communiam pasture cum predicto esse Jus
 ipsius Robti ut illi, &c.

From a Duke and his Lady, and a third
 Person, to a Duke and another Cogni-
 see, of an Honor, several Manors and
 Parks; divers Messuages, Tofts, Water-
 Mills, Dove-houses, Gardens, great
 Quantities of Land, Meadow, Pasture,
 Wood, Furze and Heath, Rent, Free-
 Warren, View of Frank Pledge, and
 whatsoever doth thereunto belong:
 Waifs, Estrays, Deodands, Goods and
 Chattels of Felons, Fugitives, Felons *de*
se, Persons outlawed, Return of all Writs
 whatsoever, and of all and all manner of
 Liberties and Franchises.

Essex ff. **P** Recipe C. Duci B. & P. ur. ejus
 & R. C. Armigero qd fuisse, &c.
 teneant C. Duci A. & P. L. Armigero Con-
 sentionem, &c. de Honore de Bewlieu alias
 Bewlieu cum pten Ac de Paneris de Bew-
 lieu alias Bewlieu alias New-Hall Old-
 Hall Bozeham Wakefare-Hall alias Wal-
 ford-Hall & Belsted-Hall cum pten Ac etiam
 de tribus parcis cum pten Pecnon de triginta
 messuagiis quindecim toftis tribus molendinis
 quaticis duodecim columbar triginta gardinis
 mille & quingentis acris terre quadringentis
 acris prati tribus mille & quingentis acris
 pastur septingentis acris bosci mille acris
 camporum & huere viginti librat reddit li-
 bera warennia M^{is} Franc Pleg & quicquid ad
 M^{is} Franc Pleg pertinet Bonis & Catallis
 H 2 Wabiat

Wabiat Extrahur Deodand Bona & Catalla
Felonum & Fugitivorum Felonum de se W
lagatorum & in Exigend possit Retozna omnium
Wrebiu quorumcunqz Ac de omnibus & om
nimodis Libertat & Franches cum ptiu
Woreham Springfield Hatfield Beverel Brom
field parva Warkham magna Leighes parva
Waddowe magna Waddowe & Tarlinge
nisi, &c.

Et est Concordia talis scilt qd pdict D
B. & M. & R. recognoverunt pdict honorem
Maneria Parcos Tenementa Reddit Warena
nam Wils Franc Pleg Bona & Catalla W
vial Extrahur Deodand Bona & Catalla Fe
lonum & Fugitivorum Felonum de se Wclaga
torum & in Exigend possit Retozna Wrebiu
Libertat & Franches cum ptiuen esse sus ip
sius ducis A. ut illi que iidem Dux A. & M.
habent de dono pdict Ducis B. & M. & R.
Et illi remiserunt & quiete clamaberunt de
ipsis Duce B. & M. & R. & heres suis p d
A. & M. & heres ipsius Ducis A. imperpetuum
Et pterea iidem Dux B. & M. concesserunt
se & heredibus Ducis B. quod ipsi war p
Duci A. & M. & heredibus ipsius Ducis
A. pdict Honorem Maneria Parcos Te
nemente Reddit Warena Wils Franc p
Bona & Catalla Wabiat Extrahur Deodand
Bona & Catalla Felonum & Fugitivorum Fe
lonum de se Wclagatorum & in Exigend possit
Retozna Wrebiu Libertat ac Franches cum
pertinen contra pdict Ducem B. & M. & her
des ipsius Ducis B. imperpetuum Et ulter
rius idem R. concessit p se & heredibus suis
quod ipsi War pdict Duci A. & M. & heredi
bus ipsius Ducis A. pdict Honorem Man
ria Parcos tenementa reddit warennam Wils

Franc

Franc pleg bona & catalla wablat extra
ut deoband bona & catalla felonum & fugi-
borum felonum de se uclagatozum & in exis-
tend possit retozna breuium libertat & franchise
um pñd contra pñct R. & heredes suos im-
perpetuum Et pro hac, &c.

Capit & cognit decimo nono
die Novembz Anno
Regni Regis Caroli se-
cundi quintodecimo co-
ram me

Orl. Bridgeman.

*Recipe of Moieties, Parts, &c. amongst
intire Parochs, and by themselves.*

Of the Moierie of a Manor (amongst other
Things)

Dorset. R. **P** Recipe Thome Wtenchard Ar-
miger qd iuste, &c. teneat
Roberto Rapper Armiger Rathanteli Browne
Armiger & Willelmo Guayas generato rñd, &c.
e maneritijs de Willelmo Woolbeton Burton
parva Childockford Licheat Patraboys Beere
Licheat alias South Licheat alias Rether
Licheat alias Licheat Winstet Beere Sleape
Cockamoze alias Licheat Winstet Wlicher-
ton & Hammohun alias Hammooñe cum p-
ñd Ac de duodecim meluagijs quadraginta
acris terre crescentis acris prati quingentis
pasture & ducentis acris bosci cum pñd in
Licheat Patraboys Licheat Winstet Beere
Sleape Cockamoze Whicewell Stour Winst-
et Foddington & Dorchester necnon de recto-

ria de Chilbockford cum p[er]t[in]e[n]tia Acetiam de Medietate Manerii de Southborough cum p[er]t[in]e[n]tia Et nisi, &c.

Et est Concordia talis scilicet quod p[re]dict[us] Thomas recogn[oscit] p[re]dict[is] maneria tenementa rectoria & medietatem cum p[er]t[in]e[n]tia esse suis, &c.

Of the Moiety of a Manor, 20 Acres of Meadow, and 20 Acres of Pasture, and of a Rectory, and all manner of Tithes (amongst other Things.)

Leic' ff. **P** Recipe Thome Smith Baronet & Abigail uxori eius quod, iuxta &c. teneant Willo Hicks Baronetto & Johanni Morris Generoso Convention[em], &c. de duobus meluagiis quinque cotagiis quinque gardinis quinque pomariis sexaginta acris terre triginta acris prati & quadringentis & quinquaginta acris pasture ac de medietate manerii de Sisonby cum p[er]t[in]e[n]tia Pecnon viginti acrum pasture cum p[er]t[in]e[n]tia in Sisonby acetiam rectorie de Sisonby cum p[er]t[in]e[n]tia ac omnium & omnimod[is] decimarum quarumcunque annuatim provenient[is] crescend[is] seu renovand[is] in Sisonby &c. nisi, &c.

Et est Concordia talis scilicet quod p[re]dicti Thomas & Abigail recognoverunt p[re]dicta Tenementa & Medietat[em] cum p[er]t[in]e[n]tia esse suis, &c.

of four Moieties; the first being of a Manor, certain Messuages, Tofts, Mills, Dove-Houses, Gardens, divers Quantities of Land, Meadow, Pasture, Wood, Furze and Heath, fresh Marsh, salt Marsh, a Wharf, two Passages or Ferries over the River *Thames*, and of 100 s. Rent; the 2d of a Prebend and Rectory; the 3d of the Moiety of the Tithes of Corn, Grain and Hay; the 4th of the Moiety of the Advowson of the Vicaridge of the Church of *W. T.*

Essex' ff. **P** Recipe Petro Heyman Barone
qđ iuste, &c. teneat Johi Moz-
is Generoso Conventionem, &c. de medietate
manerii de *West Thurrock* alias *West Hall*
alias *Wineyard* cum pñd ac viginti & septem
messuagiorū quatuordecim toftorum duorum mo-
endinorū duorum columbarū triginta & quinque
gardinorum septingentarū & decem acrarum
terre centum acrarum prati trescentarum acra-
rum pasture centum viginti & trium acrarum
bosci sexaginta acrarum sampnozū & buere
trescentarum & sexaginta acrarum marisci frilsci
quindecim acrarū marisci salii unius wharf du-
orum passagiorū sibe feriarum super aquam
Thamis & centum solidatū Reddit cum pertinē
in *West Thurrock* *Dodinghurst* *Harmprys*
Dyled Stifford *Grace* alias *Grays Aulaye* alias
Audly *Purfleet* *Coztis* & *Thozrock* Pecnon de
medietate prebende & rectorie de *West Thur-*
rock cum pñd acetiam de medietate decimarū
granorum garbarū & feni annuatim pbeniē
rescend seu renoband in *West Thurrock* Ac de
medietate advocacionis vicarie ecclesie de *West*
Thurrock Et nisi, &c.

Et est concordia talis scilicet quod predictus Petrus recognovit predictas medietates cum pertinent esse suas, &c.

Of the Moiety of several Messuages, a Dove-house, Gardens, Orchards, certain Quantities of Land, Meadow, Pasture, Wood, Furze and Heath; and of the Moiety of a Moiety of a Manor (*inter alia.*)

Leic' ff. **P** Recipe Richardo Willson generoso quod iuste, &c. teneat Thome Willson con, &c. de medietate duorum gardinorum duorum pomariorum viginti acrarum terre cultum & viginti acrarum prati quadringentarum acrarum pasture quindecim acrarum bosci & sexaginta acrarum sampnorum & huerere cum pertinent in Keythorpe Tugby alias Tokeby & Coadby de medietate medietatis manerii de Keythorpe cum pertinent Pecnon de omnibus & omnimodis decimis quibuscumque annuatim pertinent crescentem seu renovantem in Keythorpe Tugby alias Tokeby & Coadby Et nisi, &c.

Et est concordia talis scilicet quod predictus Ricus recognovit predictas medietates & decimas cum pertinent esse suas, &c.

Upon two Writs of Covenant.

Of divers Messuages, a Barn, Gardens, and Orchard and three Acres of Pasture; and of the third Part of several Messuages, Gardens, and Acres of Pasture in the County of *Middlesex*; and,

Of

Of the third Part of several Manors, Messuages, Barns, Tofts, a Dove-house, Gardens, Orchards, Acres of Land, Meadow, Pasture, Wood, Furze and Heath, Moor; of Rent and Common of Pasture for all Cattle in the County of Warwick.

Midd' ff. **P**recipe Edwardo Giltstock Armig & Elizabethæ uxori ejus qđ iuste &c. teneant Georgio Wilde Armig & Francisco Jermeye Armigero conventionē, &c. de duobus mesuagiis uno horreo duobus gardinis uno pomario & tribus acris pasture Ac de tertia parte septem mesuagiorum duorum gardinorum & viginti & quinque acrarū pasture cum p̄sū in Enseild & parochiis Sancti Jacobi Clerkenwel Stepney alias Stebunheath Hackney S̄ci Clementis Dacoz & S̄ci Leonardi Shoreditch Et nisi, &c.

Warr' ff. **P**recipe eisdem qđ iuste, &c. teneant eisdem conventionem, &c. de tertia parte maneriorum de Whitnash & Wlnal alias Willon Hall alias Wlne Hall cum p̄sū ac quinque mesuagiis quatuor horreorū duorum costozum unius columbar septem gardinorū quinque pomarū ducentarū quadraginta & sex acrarum terre octoginta & trium assatum p̄ati ducentarū & viginti acrarum pasture triginta acrarum vossi undecim acrarum sampnorum & buere quatuor acrarum moze octoginta & quatuor solidi & novem denar reddit Ac de communia pasture pro omnibus averiis cum p̄sū in Whitnash Wlnal alias Willon Hall alias Wlne Hall & Wotton alias Walkens Wotton Et nisi, &c.

Et

Et est concordia talis scilicet quod predictus Edwardus & Elizabetha recognoverunt predictam teneantiam tertias partes & communiam pasture cum pertinentiis esse suis, &c.

Of the fourth Part of a fifth Part of a Messuage in London.

London' ff. **P**recipe Henrico Alexander armig (comiti Strilene in Regni Dni Regis Scotie) Roberto Croke Militi & Susanne uxori ejus & Henrico Zinzan alias Alexander Ar & Jacobe uxori ejus quod iuste, &c. teneant Jacob Lucie conventionem, &c. de quarta parte unius quinte partis unius messuagii & unius gardini cum pertinentiis in parochia Sancte Katherine Coleman-street Et nisi, &c.

Et est concordia talis scilicet quod predictus Henricus Robtus & Susanna & Henricus & Jacoba recogit predictam quartam partem cum pertinentiis esse suis, &c.

Of a Manor, Messuages, Gardens, Orchards, Land, Meadow, Pasture, Furze, Heath, and Alder; of the third Parts of a Manor, Messuages, Gardens, Orchards, Lands, Meadow, Pasture, Furze and Heath; and of the Moiety of the Scites of a Manor, Messuage, Garden, Orchard, Land, Meadow, Pasture and Wood.

Norf. ff. **P**recipe Thome Rugg generoso quod iuste, &c. teneant Roberto Clepton generoso & Georg Lulls generoso conventionem, &c. de manerio de Northzeys cum pertinentiis ac de quinque messuagiis quinque gardinis quinque

quing pomariis trescentis acris terre septuas-
ginta acris prati ducentis acris pastui qua-
dringentis acris sampnoꝝ & huerie & decem
acris alneti cum ptiñ in Northreps Cromer
Sydesthorpe Orstrunt Felmingham Lum-
stowe Flockthorpe alias Hardingham cum
ptiñ Pernon de tribus partibus manerii de
Flockthorpe alias Hardingham cum ptiñ ac
duorum mesuagiorum duorum gardinorum
duorum pomariorum ducentatum acrarum ter-
re viginti acrarum prati centum acrarum
pasture & ducentay acrarum sampnoꝝ & huer-
re cum ptiñ in Hardingham Keymerston
Wingha Wingha Barrow & Kymberley ace-
tiam de medietate Scitus manerii de Keymer-
ston alias Cabely Hals alias Calbelry Wards
cum ptiñ ac unius gardini unius pomarii sex-
aginta acris terre decem acris prati triginta
acris pasture & quadraginta acry bolci cum
ptiñ in Keymerston Et nisi, &c.

Et est concordia talis scilicet quod pñt
Thomas recognovit pñ manerium tenementa
tres partes & medietatem cum ptiñ esse
suis, &c.

A Fine sur Concessit, of the Moisty of a
Manor, Messuages, Gardens, a Mill,
Land, Meadow, Pasture, Wood, Furze
and Heath; and of Common of Pasture
and Fishing.

Ebor' ff. **P**Recipe Thome Howard Armiger
& Marie Ducille Dotisse Rich-
mond & Lenor' uroꝝi eius qd fuisse, &c. tene-
ant Willo Jones Armigero conventionem,
&c. de medietate manerii de Settrington cum
ptiñ ac quinquaginta mesuagioꝝ quadraginta
oꝝo

octo gardinorum unius molendini sex mille
 acrarum terre ducentarum acrarum prati octin-
 gentarum acrarum pasture sexcentarum acrarum
 bosci septingentarum acrarum sampnorum & byn-
 ere. Ac de communia pasture pro omnimodis
 averiis & libera piscaria cum ptineu in Set-
 trington Hoaglicborpe Porton Warment &
 Sutton Et nisi, &c.

Et est Concordia talis scite qd pd Thomas
 & Maria concesserunt pfato Willo predictas
 medietat communia pasture & piscar cum ptin
 habent & tenent eidem Willo a Festo Sancti
 Michaelis Archangeli ult preterit usq finem
 termini quingentorum annor extine ppor ses-
 quend & plenar complend (si pdict Maria tam-
 diu vixerit) reddend inde annuatim pdict
 Thome & Marie unum granum piperis ad Fe-
 stum Sancti Michis Archangeli annuatim sol-
 vend toto termino pdict (si pdict Maria tam-
 diu vixerit) si petatur Et pdict Thom &
 heres sui war pdict Willo pdict mediet-
 tat communia pasture & piscar cum ptin
 sicut pdict est contra pdict Thom & heres
 suos toto termino pdict (si pdict Maria tam-
 diu vixerit) Et pdict Thomas & Maria & he-
 res ipsius Marie war pdict Willo pdict me-
 dietat communia pasture & piscar cum ptin
 sicut pdict est contra pdict Thom & Mariam &
 heredes ipsius Marie toto termino pdict (si p-
 dict Maria tandiu vixerit) Et pro hac, &c.

Capit & cognit p die Octobris

Anna Regni Regis Caroli

secundi decimo nona coram

Orl. Bridgman.

nona viginti. Et si hanc non habuerit
 nona viginti. Et si hanc non habuerit
 nona viginti. Et si hanc non habuerit

Of certain Messuages, Gardens, Orchards,
Land, Meadow, Pasture and Wood; of
the Moiety of a Manor, 300 Acres of
Furze and Heath, and 6*l*. 13*s*. 4*d*. Rent;
and of Common of Pasture for all Cattle.

Essex' ff. **P**Recipe Johanni Abdy Milici &
Baronet Johani Chapman Gen
& Robto Abbot Gen qd iuste, &c. ten Eliab
Harvey Milici & Johani Prestwood conventio-
nem, &c. de tribus mesuagiis tribus gardinis
quatuor pomariis quadraginta acris terre tri-
ginta acris prati centum acris pasture & quin-
que acris bosci ac de medietate manerii de
Barringtons alias Barrington cum pertinen &
trescentarum acrarum sampnozum & hyere &
sex librat tresdecim solidat & quatuor denari-
at reddit Pecnon de communia pasture p om-
nibus aberiis cum ptinentiis in Chigwell
Woodford Loughton alias Lowton & Foresta
de Waltham Sancte Crucis Et nisi, &c.

Et est Concordia talis scit quod pdicti Ro-
bertus Johannes Chapman & Robertus recog-
noberunt pdicta tenementa medietat & commu-
niam pasture cum pertinen esse ius ipsius
Eliab ut illa que iude Eliab & Johnes Prest-
wood habent de dono pd Robti Johnis Chap-
man & Robti.

Of the third Part of several Messuages,
certain Land, Meadow, Pasture and
Wood.

Suff' ff. **P**Recipe Jemunah Waldegrave qd
iuste, &c. teneat Waldegrave
Pelham Armigero & Willielmo Byat Gene-
roso

roso Conventionem, &c. de tertia parte trium
mesuagiorum centum & quinque acrarum terre
viginti & novem acrarum prati octoginta & octo
acrarum pasture & sex acrarum bosci cum p̄tid
in Bures S̄cæ Marie Cozmarth magna & Coz-
marth parva Et nisi, &c.

Et est concordia talis scilicet quod predictæ Je-
munah recognovit predictam tertiam partem
cum pertinentiis esse suis ipsius Walgrave,
&c.

Of the Moiety of a Manor, and the Moie-
ty of an Advowson of a Church (*inter
alia.*)

Ebor' ff. **P**recipe Erlano Cockayne Vice-
comiti Cullen in Regno Hiber-
nie & Elizabethæ uxori ejus & Georgio Blunt
Arm & Marie (Vicecomitisse Dorille Cullen
in Regno Hibernie) uxori ejus qd̄ fuisse, &c.
teneant Carolo Pawlet Domino St. John de
Basing & Johanni Porton Baronetto conven-
tionem, &c. de octo mesuagiis uno molendino
octo gardinis octo pomariis quingentis acris
terre ducentis acris prati quingentis acris pa-
sture triginta acris bosci octingentis acris
sarnorum & byere viginti solidat reddit
communis pasture & libera warrenna cum p̄tid
in Hanging Grimston Uncleby Sixteendale
alias Thirteendale & Kirby Underdale Ac
de omnibus & omnimodis decimis quibuscun-
que annuatim provenient crescent seu re-
novant in Hanging Grimston Uncleby Six-
teendale alias Thirteendale & Kirby Under-
dale Pecnon de medietate maneril de Hang-
ing Grimston cum p̄tid acetiam de medietate
advocationis ecclesie de Kirby Underdale Et
nisi, &c.

Et est concordia talis scilicet quod predicti Willelmus & Elizabetha & Georgius & Maria recognoverunt predicta tenementa communiam pasture warrannam decimas ac medietates cum pertinentiis esse suos, &c.

Of certain Messuages, Cottages, a Dovehouse, Gardens, Orchards, Land, Meadow, Pasture, Wood, fresh Marsh, salt Marsh, a Wharf, and two Passages over the Thames; of the Moiety of a Manor, 100s. Rent, and of an Advowson.

Essex' ff. **P**recipe P. H. Baronetto J. M. Arm & R. C. Arm qd iuste, &c. teneant J. M. Gen & T. B. Gen conventionem, &c. de decem messuagiis octo cottagiis uno columbarum decem gardinis decem pomariis trescentis & septuagintis acris terre triginta & quinque acris prati triginta acris pasture octoginta acris bosci ducentis acris marisci frisci decem acris marisci salis una wharfs & duobus passagiis ultra aqua Thamis cum pertinentiis in J. M. D. H. D. S. G. A. P. G. & T. Ac de medietate manerii de J. M. T. alias &c. cum pertinentiis Pecnon centum solidos reddit cum pertinentiis acetiam advocacionis ecclesie de J. M. T. Et nisi.

Et est concordia talis scilicet quod predicti P. J. M. & R. recognoverunt predicta tenementa wharfam passagia & medietatem cum pertinentiis ac medietatem advocacionis predictae esse suos, &c.

Upon two Writs of Covenant.

(1.) Of the Moiety of a Manor, the Moiety of an Hundred, and of several Messuages, Cottages, certain Land, Meadow, Pasture, Wood, Furze and Heath, Moor, Marsh, and 100s. Rent; of the Moiety of Common Pasture for all manner of Cattle, and of the Moiety of View of Frank-Pledge, Goods and Chattels of Felons and Fugitives, Felons *de se*, Deodands, Waifs, Liberties and Privileges in the County of *Wilt.*

(2.) Of the Moiety of certain Messuages, Gardens, Land, Meadow and Pasture, in the County of *Somerset.*

Wilt. ff. **P**Recipe Roberto Danvers alias Williers Arnd & Elizabeth uxori ejus quod iuste, &c. teneant Willielmo Millet Gen Conventionem, &c. de medietate manerii de Westbury Arund Westbury Brook Melwodes Leigh Priors Westbury Leberlegg Brembridge Hawkeridge Heywood Leigh & Seawell cum pñd Ac de medietate hundredi de Westbury cum pñd Person centum Messuagiorum centum & sexaginta Cotagiorum duarum mille acrarum terre quadringentarum acrarum bosci mille acrarum sampnorum & buere septentarum acrarum more septentarum acrarum Parisci & cent solidat reddit acetiam medietat communie pasture p omnimodis averiis Ac de medietate Will Franc pleg bonorum & catallozum felonum & fugitivorum felonum de se Deodand Wabiak Libertat & Privileg' cum pñd in Hawkeridge Heywood Bratton Milborne Stoke Brooke Penley Leigh

Leigh Brembridge Le Parsh Wilton Chap-
manlade Westbury Amber Edington North
Bradley Steple Ashton Sondley Trowbridge
& Bradford Et nisi, &c.

Somerf. ff. **P** Recipe eisdem qđ fuisse, &c.
teneant eidem Conventione,
&c. de medietate octo mesuagiorū octo gardinoz
centum accraz terre quadraginta accraz prati
& seragint acr pasture cum ptiid in Beckington
Rudge Sanderweeke & Berkley Et nisi, &c.

Et est Concordia talis scilicet qđ predicti
Robertus & Elisabetha recognō pdict medietates
& Communiā pasture cum pectid esse
suis, &c.

Of several Messuages, Gardens, Orchards,
Acres of Land, Wood, and Marsh-ground.
Of the Moiety of several Messuages, Gar-
dens, Orchards, Acres of fresh and salt
Marsh; of the third Part of certain Acres
of Marsh-ground in *B. &c.* of the Recto-
ry of *B.* and of all and all manner of
Tithes, Oblations, Obventions and Por-
tions, yearly coming, growing or renew-
ing in *B. &c.* As also of the Advowson
of the Vicaridge of the Church of *B.*

Kanc' ff. **P** Recipe Georgio Mooze Baron &
Francisce uxori ejus quod fuisse,
&c. teneant J. M. Arm & T. B. Gen Cons
ventionem, &c. de duobus mesuagiis duobus
gardinis duobus pomariis centum accris ter-
re quindecim accris bosci & centum accris
marisci Ac de medietate trium mesuagiorum
trium gardinozum trium pomariozum qua-
dringentarum & quadraginta accrarum marisci
fisci & quadringentarum & quinquaginta accra-
rum
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rum mar' salti Pecnon de tertia parte trescen-
tarum & quinq; acraz marisci cum pced in pa-
rochia Sanct Johani Bapt Wythzington Win-
ster Bobbing Milton Cheatney & Iwade Ac-
etiam de Rectoria de Bobbing cum pced Ac-
de omnibus & omnimodis Decimis Oblatio-
nibus Obventionibus & Portionibus annuatim
pbeniend crescend seu renoband in Bobbing &
Milton Pecnon de Advocatione Vicarie Ec-
clesie de Bobbing Et nisi, &c.

Et est Concordia talis scilicet quod pdicti
Georgius & Francisca recogn pdicta Tenemens
ta Medietatem tertiam partem Rectorie Decis-
mas Oblationes Obventiones & Portiones cum
pced ac Advocationem pdict esse jus, &c.

Of several Manors, Messuages, Tofts, a Wind-
mill, Gardens, Acres of Land, Meadow,
Pasture, Wood, Furze and Heath, fresh
Marsh, salt Marsh, Rent, Common of Pa-
sture, free Fishing, Liberty of Foldage,
free Warren, and View of Frank-pledge.
Of the Moiety of divers Manors, Messua-
ges, Acres of Land, Meadow, Pasture,
Wood, Furze and Heath, salt Marsh, and
a Fold-course, with the Advowson of se-
veral Churches and a Chapel.

Norf. ff. **P**recipe Christofero Sparke Gen-
t qd iuste, &c. teneat Radō Petu-
man Gen Conventionem, &c. de Maneriis
de Acle Aldby alias Aldby Hall Burrough
Sancte Margarete Cockchozpe Blackney als
Snitterley Howel Hall alias Atleys & Wis-
beton Stafford alias Wiveton Ducis cum
pced ac iresdecim mesuagiis quatuor tofs-
tis uno molendino venticitico novem gardinis
mille & triginta acr terre centum & triginta
acris

acris prati ducentis & sexaginta acris pasture
 re nonaginta acris bosci quingentis & quin-
 quaginta acris sampnozumi & huere nonin-
 gentis & quinquaginta acris marisci frisci
 mille acr marisci salsi sexdecim librat reddit
 Communia pasture libera piscaria libertate tri-
 um saldagiozum libera warennia & Wils Franc
 pleq cum ptiid in Acle Wpton Fishley Woyton
 Burlington Aldhy Tost Monks Haddistoe
 Haddistoe Thorpe Whitacre Burrough Ras-
 nengham Thurlton Whindel Whinston Ker-
 by Burgo Sancte Margarete Burgo Sancte
 Marie Willockby Chipptesby Dby Wap-
 bridge Rollesby Marcham Cockthorpe Sciff-
 key Langham Wozston Blackney alias Snit-
 terly Warham Winham Wiberon Glandford
 & Cley Pecnon de medietate maneriozum de
 Retherhall & Stowes cum ptiid ac trium me-
 suagiozum ducentarum acrarum terre quadra-
 ginta acrarum pasture decem acrarum bosci
 odoginta acrarum sampnozumi & huere tres-
 centarum acrar marisci & unius saldagii cum
 ptiid in Thorpe Sciffkey Langham Wozston
 Blackney alias Sniterly Warham Winham
 Wiberon Glaundford & Cley Acetiam de Ad-
 vocationibus Ecclesiar de Acle Thorpe iuxta
 Haddistoe Cockthorpe Sniterly Blackney &
 Capelle de Glaunford Et nuu, &c.

Et est Concordia talis scilicet qd pdictus
 Christoferus recognovit maneria tenementa
 reddit Communiam pasture piscar libertat wa-
 rennam Wils Franc pleq & medietat cum per-
 tiid ac Advocationes pdictas esse suas, &c.

Of Lands in the Isle of Ely.

Cantabr' ff. **P** Recipe Thome Dabys & Elisabethe uxori ejus Mountford Wallis & Anne uxori ejus & Willo Astell quod fuisse, &c. teneant Johanni Colvile Gen & Thome Browne Gen Conuencionem, &c. de uno mesuagio uno cotagio uno gardino uno pomario triginta acris terre decem acris prati triginta acris pasture viginta acris marisci & communia pasture p omnibus Aberis cum ptiid in Insula Eliensi Et nisi, &c.

Et est Concordia talis scilicet quod pidi Thomas Dabys & Elisabetha Mountford & Anna & Willielmus recognouerunt predica tenementa & communiam pasture cum ptiid esse jus, &c.

Capit & cognit 4 die Febr
Anno decimo septimo
Caroli Regis scdi cor
ram nobis
George Rayson.
Jo. Turbill.
Charles Baxter.

Wirtute Dedi Pot
test Cur Canc
emanand Teste
24 Jan Anno 16.

A Fine levied in the County Palatine of Lancaster.

Lanc' ff. **H**ec est finalis Concordia facta in Curia Dni Regis apud Lancast' die Martis in quarta septimana quadagesime Anno Regni Domini nostri Caroli secundi Dei Gratia Anglie Scotie Francie & Hibernie Regis Fidei Defensoris, &c. quins

quintodecimo coram J. G. Milite & A. C. uno
 Serbient dicti Dnd Regis ad Legem Justie
 ejusdem Dnd Regis apud Lancaster & aliis
 dicti Dnd Regis fidelibus tunc ibi presenti-
 bus int L. H. S. & M. L. quer & J. A. &
 W. B. deforc de Maneris de B. & S. cum
 ptin ac duobus Mesuagiis tribus Cotagiis, &c.
 cum ptin Unde placitum Conventionis sum
 fuit inde inter eos scit qd pdicti J. & W.
 recogn pdicta maneria & tenementa cum ptin
 esse jus, &c.

A Fine of three Messuages, (acknowledged
 by the Word *Mesuagia* in the Concord.)

London' ff. **P** Recipe Benjamine Stone Gen
 & Margarete uxori ejus quod
 iuste, &c. teneant Willielmo Simpson Gen
 & Iosepho White Gen Conventionem, &c.
 de tribus Mesuagiis cum pertin in parochia
 St. Brigette als St. Bride Et nill, &c.

Et est Concordia talis scilicet quod pdicti
 Benjaminus & Margareta recognoverunt pre-
 dicta mesuagia cum pertinen esse jus ipsius
 Willielmi ut ill que iidem Willielmus &
 Iosephus habent de dono pdict Benjamini &
 Margarete Et ill remiserunt & quiete cla-
 maverunt de ipsis Benjamine & Margareta &
 heredibus ipsius Margarete predictis Will-
 mo & Iosepho & heredibus ipsius Willielmi im-
 perpetuum Et preterea iidem Benjaminus &
 Margareta concesserunt pro se & heredibus
 ipsius Margarete quod ipsi war pdictis Wil-
 lielmo & Iosepho & heredibus ipsius Wil-
 lielmi predicta Mesuagia cum pertin contra
 pdictos Benjaminum & Margaretam & here-

des ipsius Margarete imperpetuum Et pro
hac, &c.

Capit & cognit vicessimo
tercio die Julii Anno
Regni Regis Caroli
secundi quintodecimo
coram me
Tho. Tyrril

Ano Justie de Com
Banco per Dedim⁹
Potestatem Teste
20 die Junii Anno
15 supradicto.

A Fine upon two Writs of Covenant of ele-
ven Cottages in *London*, and one Messuage
in the County of *Middlesex*, (acknowledg'd
by the Word *Tenementa* in the Concord.)

London' ff. **P** Recipe Radus Freeman Militi
& Margarete uxorī ejus quod
fuisse, &c. ten' Carolo Baxter Generoso Con-
ven', &c. de undecim Cotagiis cum p'tin in
Parochia Sancti Stephani Coleman-street Et
nisi, &c.

Midd' ff. **P** Recipe eisdem qđ fuisse, &c. ten'
eisdem Conven', &c. de uno Mes-
suagio cum p'tin in Parochia S'ti Sepulchri
extra Newgate Et nisi, &c.

Et est Concordia talis scilicet quod pre-
dicti Radus & Margareta recogn' predicta Te-
nementa cum p'tin esse jus ipsius Caroli ut
ill' que idem Carolus habet de dono predicti
Radi & Margarete Et ill' remiserunt & quiete
clam de ipsis Radus & Margareta & heredibus
suis p'dicto Carolo & heredibus suis imperpe-
tuum Et p'terea idem Radus & Margareta
concesserunt p se & heredibus ipsius Radi qđ
ipsi war p'dicto Carolo & heredibus suis pre-
dicta Tenementa cum p'tin contra predictos
Radum

Radium & Margaretam & heredes ipsius Radi
ac contra heredes Willielmi Freeman Arm
patris ipsius Radi & Martini Freeman Armis-
geri Abi predicti Radi defuncti imppetuum Et
pro hac, &c.

Capit & cognit decimo septimo
die Junii Anno Regni Re-
gis Caroli secundi sextos
decimo coram me

Orl. Bridgman.

Of thirty-three Acres of fresh Marsh (by
the Word *Tenementa* in the Concord.)

Kanc. ff. **P** Recipe Johanni Dyett Gen &
Elisabethhe uxori ejus qd iuste,
&c. teneant Thome Pajoz Conbentione, &c.
de triginta & tribus acris marisci frisci cum
pertin in Old Rumney Et nisi, &c.

Et est Concordia talis scit quod predicti
Johannes & Elisabetha recogn predict Tenementa cum pertin esse jus ipsius Thome ut ill
que idem Thomas habet de dono predict Jo-
hannis & Elisabethe Et ill remis & quiet
cland de ipsis Johanne & Elisabetha & here-
dibus suis predicto Thome & heredibus suis
imperpetuum Et preterea idem Johannes
& Elisabetha concesserunt p se & heredibus ip-
sius Johannis quod ipsi war predicto Thome &
heredibus suis predicta Tenementa cum pertin
contra predictos Johannem & Elisabetham &
heredes ipsius Johannis imperpetuum Et p
hac, &c.

Capit & cognit (ut supra.)

Of a Manor, Park and Scite of the late Monastery of *Ramsley*, with several Mesuages, Tofts, Dove-houses, Gardens, Orchards, Acres of Land, Meadow, Pasture, Wood, Furze and Heath, Moor, Marsh and Turbary, and of a Rectory.

Hunt' ff. **P**recipe *Henrico Williams* alias *Cromwel Armig & Anne* uxor eius quod iuste, &c. teneant *Johanni Morris* Gen^l Conventionem, &c. de manerio de *Ramsley* cum p^{ti}o ac de Parco de *Ramsley* cum p^{ti}o Pecnon de scitu nuper monasterii de *Ramsley* cum p^{ti}o Acetiam de decem mesuagiis sexdecim cotagiis sexdecim costis tribus columbar^{um} viginti gardinis viginti pomariis sexcentis acris terre centum acris p^{ar}ti quingentis acris pasture sexaginta acris bosci quadringentis acris sampnozum & byuere quatuor mille acris moze quatuor mille acris marisci & duabus mille acris turbar^{um} cum p^{ti}o in *Ramsley & Biggine* Ac de Rectoria de *Ramsley* cum p^{ti}o Et nisi, &c.

Et est concordia talis scit^{ur} quod predicti *Henricus & Anna* recog^{it} p^{re}dicta man^{er}ium parcum scitum tenementa & rectoriam cum p^{ti}o esse suis, &c.

A Fine *sur Concessit* from two Cognisors to one Cognisee, of divers Manors, Tenements, and of Common of Pasture, and a Rectory, to hold to the Cognisee for 60 Years (if the Cognisors, or either of them, so long live) without Impeachment of Waste, rendering the yearly Rent of a Pepper-Corn, if demanded.

Norf. ff. **P**recipe R. P. Bar & R. urozi
 ejus quod iuste, &c. tenē T. P.
 (S. T. D.) Con, &c. de Man de P. L. L.
 P. S. M. B. B. C. alias C. alias M. B.
 & P. cum pertinē Ac de triginta meluagiis
 tribus molendinis triginta gardinis triginta
 pomariis octingentis acris terre centum acris
 prati ducentis acris pasture centum acris
 bosci mille acris sampnozū & buere &
 Communia pasture cum pertinē in Paston
 Happesburgh Lambs alias Lamas Scottow
 Parham Baston Bromehome Keistwicke Knap-
 ton Trunch Mundesley Cromer Gresham War-
 mingham East Beckham West Beckham Ayl-
 merton Felbrigge Rowton Susted Petton
 Town Barmingham Northwood Barming-
 ham Winter Barmingham Barmingham par-
 cha Pattlaske Plumsted Hempsted prope Ba-
 consthorpe Baconsthorpe Wickner Thurkar-
 ton Alborough alias Ayleborough Edeythorpe
 alias Edithorpe Croftwicke Ridlington Wal-
 cot & Swayfield Pecnon de Rectoria de Pa-
 ston cum pertinē Et nisi, &c.

A Et est Concordia talis scilicet quod pres-
 bidi R. & R. concesserunt predicto T. predicta
 maneria Tenementa communiam pasture &
 Rectos

Rectoriam cum pertinentiis habens & tenens eidem L. a Festo Natalis Domini usque preterit usque finem termini sexaginta annorum extunc prior sequens & plenarie completus si predicti R. & R. seu eorum alter tam diu vixerint sine impetitione alicujus Massi Reddens inde annuatim predictis R. & R. unum Granum Piperis ad Festum Sancti Michaelis Archangeli annuatim solvendo toto termino predicto si petatur si predicti R. & R. seu eorum alter tamdiu vixerint Et predicti R. & R. & heredes ipsius R. (viri) warrant predicto L. predicta Rectoria Tenementa Communiam Pasture & Rectoriam cum pertinentiis sicut predictum est toto termino predicto si predicti R. & R. seu eorum alter tam diu vixerint Et pro hac &c.

Capit & cognit (ut supra.)

Upon two Writs of Covenant.

- (1.) Of a Manor, Park, Messuages, Cottages, a Wind-mill for Corn, Dove-houses, Gardens, Orchards, Land, Meadow, Pasture, Wood, Furze and Heath, Rent, Common of Pasture, Liberty of Foldage, Free Warren, View of Frank-pledge, and whatever belongs to View of Frank-pledge, Goods and Chattels of Felons and Fugitives, Persons outlawed and attainted, Felons *de se*, and of Deodands, in the County of Cambridge: And,
- (2.) Of a Manor, Park, Messuages, a Water-mill, a Dove-house, Gardens, Orchards, Land,

Land, Meadow, Pasture, Wood, Furze
and Heath, Liberty of Foldage and Rent,
in the County of *Suffolk*.

antabr' ff. **P** Recipe Johanni Cotton Militi
& Baronetto & Jane uxori
us qđ iuste, &c. teneant Martino Folkes
in Gen & Martino Folkes jun Gen Con-
ventionem, &c. de Manerio de Chebeley cum
pertin ac de Parco de Chebeley cum pertind
Pecnon de sex mesuagiis sex cotagiis uno
molendino ventricico duobus columbar' sex
gardinis sex pomar' trescentis & quinquas-
centa acris terre quadraginta acris prati
centum & quadraginta acris pasture quadra-
centa acris bolci quingentis acris samp-
nozum & hzuere viginti solidat Reddit Com-
munia pasture Libertat' Faldagii Libera
Harena Wif Franc' pleğ & quicquid ad
Wif Franc' pleğ pertinet Bonis & Catallis
felonum & Fugitivorum Mlagatorum & at-
torum felonum de se & Deoband cum ptiid
Chebeley Ashley Silberley Kircling Wood
Ditton Ditton Wallence Ditton Camincyes
Serton Acetiam de Advocatione Ecclesie de
Chebeley Et nisi, &c.

ff. ff. **P** Recipe eisdem qđ iuste, &c. te-
neant eisdem Conventionem, &c.
de manerio de Lidgate cum ptiid ac de parco
Lidgate cum pertind Pecnon de duobus
mesuagiis uno molendino aquatico uno Co-
lumbar' duobus gardinis duobus pomariis
ille acris terre centum acris prati tres-
centis acris pasture viginti & quinque acris
bolci trescentis acris sampnozum & hzuere
Libertate Faldagii & triginta solidat reddit
in pertind in Lidgate Dolden Wickham
Brook

Brooke Curtling Ashley Cowling Dalham
Howlton & Bradley parva Ac de Advocacione
Ecclesie de Lidgate Et nisi, &c.

Et est Concordia talis scilicet quod predicti
Johannes & Jana recognoverunt predicta
neria parca tenementa communiam pasturam
liberam warennam Vis Franc' pleq' & quicquid
quid ad Vis Franc' pleq' pertinet libertat' saluagiorum
bona & catalla felonum & fugitivorum utlagatorum
& attincorum felonum de se & deoband' cum p'rid' ac advocaciones
predictas esse jus ipsius Martini sen' ut ill' qui
idem Martinus sen' & Martinus suid' habent
de dono predictorum Johannis & Jane Et illi
remiserunt & quiete clamaverunt de ipsis Jo-
hanne & Jana & heredibus ipsius Johannis
predicto Martino sen' & Martino suid' & he-
redibus ipsius Martini sen' imppetuum Et
preterea iidem Johannes & Jana concesserunt
pro se & heredibus ipsius Johannis quod ipsi
war' predictis Martino sen' & Martino suid' &
heredibus ipsius Martini sen' predicta maner-
ia parca tenementa communiam pasturam libe-
ram warennam Vis Franc' pleq' & quicquid
ad Vis Franc' pleq' pertinet libertat' saluagiorum
bona & catalla felonum & fugitivorum utlagatorum
& attincorum felonum de se & deoband' cum p'rid' ac advocaciones
predictas contra predictos Johannem & Janam
& heredes ipsius Johannis imppetuum Et pro
hoc, &c.

Capit' & cognit' tertio die Mar-
tii Anno Regni Regis Ca-
roli secundi sexto decimo
coram me

Jo. Vaughan.

Fine levied of 100 l. annual Rent issuing out of several Manors, Messuages, Cottages, Barns, a Dove-house, Gardens, Orchards, Land, Meadow, Pasture, Wood, Furze and Heath, 40 s. Rent, and free Fishing.

uck. ff. **P** Recipe Thome Isaac Arm & Katherine uxori ejus Alexandro Hurlston Gener Humfrido Hurlston Gener Rose Hurlston quod iuste, &c. teneant Carolo Duncombe Gen & Willielmo Bartlett Gen Conventionem, &c. de annuali Redditu totum Librarum exeu de & ex maneriis Tyzingham & Filgrave cum ptiid Ac de ex quinque mesuagiis quinque cotagiis quinque horreis uno columbar quinque gardinis quinque pomariis quadringentis acris terre centis acris prati octingentis acris pastus tribus acris bolci centum acris sampnosum & huerre & quadraginta solidat redditum ptiid in Tyzingham & Filgrave Pecunia de libera piscaria in Aqua de Drole cum ptiid in Tyzingham & Filgrave Et nisi, &c.

Et est Concordia talis scilicet quod pdicti Thomas & Katherine Alexander Humfridus Rose recognov pdict Redditu esse jus ipsius Caroli ut illi que iidem Carolus & Willielmus habent de dono pdicti Thome & Katherine Alexandri Humfridi & Rose Et illi miserunt & quiete clamaverunt de se & heredibus suis pdictis Carolo & Willielmo & heredibus ipsius Caroli imppetuum Et preterea iidem Thomas & Katherine concesserunt de se & heredibus ipsius Katherine quod ptiid pdictis Carolo & Willio & heredibus ipsius

ipſius Caroli p̄dicti Redditum contra p̄dictam
 Thomam & Katherinam & hered̄ ipſius Ka-
 therine imperpetuum Et ulterius idem Alex-
 ander conceſſit p̄ ſe & heredibus ſuis quod ipſi
 war̄ p̄dictis Carolo & Willielmo & heredibus
 ipſius Caroli p̄dicti Redditum contra p̄-
 dictum Alexandrum & heredes ſuos imperpe-
 tuum Et inſuper idem Humfridus conceſſit
 p̄ ſe & heredibus ſuis quod ipſi war̄ p̄dicti Ca-
 rolo & Willmo & heredibus ipſius Caroli p̄dicti
 Redditum contra p̄dictum Humfridum &
 heredes ſuos imperpetuum Et etiam eadem
 Koſa conceſſit p̄ ſe & heredibus ſuis qđ ipſi
 war̄ p̄dictis Carolo & Willmo & heredibus
 ipſius Caroli p̄dictum Redditum contra p̄-
 dictam Koſam & heredes ſuos imp̄petuum Et
 p̄ hac, &c.

Capit̄ & cognit̄ (ut ſupra.)

A Fine of an Honor, Manor, Meſſuages,
 Cottages, Dove-houſes, Gardens, Orchards,
 Land, Meadow, Paſture, Wood, and the
 Advowſon of a Church.

Hertf. ff. **P** Recipe Willielmo Willoughby
 Domino Willoughby de par-
 ham Georgio Willoughby Arm̄ filio & hered̄
 apparent̄ p̄dicti Willielmi Johanni Cary
 Arm̄ & Willielmo Whiclock Arm̄ quod
 fuſſe, &c. teneant Matheo Blucke Armigero
 Conventionem, &c. de honore de Hunſdon
 cum p̄tiā ac de manerio de Hunſdon cum p̄-
 tiā Pecnon de ſex meſuagiis ſex cotagiis
 duobus columbar̄ duodecim gardinis duode-
 cim pomariis mille acris terre quinquaginta
 acris prati centum & quadraginta acris paſture
 & quatuor acris boſci cum p̄tiā in Hunſdon
 Caſt.

Eastwicke & Stansted Acetiam de Advocatione
Ecclesie de Hunsdon Et nisi, &c.

Et est Concordia talis scilicet quod predicti
Willielmus Dominus Willoughby Georg
Johannes & Willielmus Whitlocke recogno-
verunt predicta honorem manerium & tenemen-
ta cum pertinentiis ac advocationem predictam esse jus
plius Pathei ut illi que idem Patheus habet
ex dono predictorum Willielmi Dni Willoughby
Georgii Johannis & Willielmi Whitlocke Et illi
remiserunt & quieti claram de se & heredibus
suis predicto Patheo & heredibus suis imppe-
tuum Et preterea idem Willus Dnus Will-
oughby concessit p se & heredibus suis quod ipsi
war predicto Patheo & heredibus suis predicta
honorem manerium & tenementa cum pertinentiis ac
advocationem predictam contra predictum Will-
ielmum Dnum Willoughby & heredes suos
imperpetuum Et ultimus idem Georgius con-
cessit p se & heredibus suis quod ipsi war predicto
Patheo & heredibus suis predicta honorem ma-
nerium & tenementa cum pertinentiis ac Advoca-
tionem predictam contra predictum Georgium & he-
redes suos imperpetuum Et insuper idem Jo-
hannes concessit p se & heredibus suis quod ipsi
war predicto Patheo & heredibus suis predicta
honorem manerium & tenementa cum pertinentiis
Advocationem predictam contra predictum Jo-
annem & heredes suos imperpetuum Et etiam
idem Willielmus Whitlocke concessit p se &
heredibus suis quod ipsi war predicto Patheo &
heredibus suis predicta honorem manerium & te-
nimenta cum pertinentiis ac Advocationem predictam
contra predictum Willielmum Whitlocke & he-
redes suos imperpetuum Et p hac, &c.

apt. & cognit (ut supra.)

A Fine *sur Concessit* for ninety nine Years (if the Wife of the first Cognisor so long live) of a Manor, Borough, Messuages, Tofts, Mills, Gardens, Land, Meadow, Pasture, Wood, Furze and Heath, Rent, Common of Pasture for all Cattle, a Rectory, and the Advowson of a Church.

Wilts' ff. **P** Recipe R. H. Militi & H. uxori
 esus J. M. Arm & R. C. Arm
 quod iuste, &c. teneant J. W. Gen Con-
 ventionem, &c. de manerio de W. B. a Is W. W.
 cum ptiū ac de Burgo de W. B. a Is W. W.
 Pecnon de ducentis mesuagiis quadraginta
 tofts duobus molendinis ducentis gardinis
 mille acris terre ducentis acris pziati tribus
 mille acris pasture triginta acris bolci octin-
 gentis acris sampnozū & bzuerē decem li-
 bzat decem & novem solidat novem dena-
 riat & uno Dbulat Reddit & Communia pas-
 ture pro omnibus Aberis cum ptiū in Wot-
 ton Basslet alias Wotton Velus Broad Vin-
 ton Cleeve Pipard Toskenham East Tol-
 kenham West Tolkenham Brinkworth Ly-
 dard Tregole Swindon & Foresta de Wray-
 don Acetiam de Redozia de Wotton Basslet
 alias Wotton Velus cum ptiū Ac de Ad-
 vocatione Ecclesie de Wotton Basslet alias
 Wotton Velus Et nisi, &c.

Et est Concordia talis scit quod predicti
 R. H. & H. J. & R. C. concesserunt predicto
 J. W. pdicta Manerium Burgum Tene-
 menta Reddit Communiam pasture & Recto-
 riam cum ptiū ac Advocationem predictam
 habend & tenend eidem J. a Festo Natalis
 Domini ult preterit usqz finem termini nona-
 ginta

ginta & novem annorum extunc pror' sequen
 & plenarie complend' (si predicta H. tam diu
 vixerit) reddendo inde annuatim predictis J. M.
 & R. C. & heredibus ipsius J. unum granum
 Piperis ad Festum Scti Mich' Archangeli an-
 nuatim solvend' toto termino predicto si petas-
 tur (si predicta H. tam diu vixerit) Et predicti
 R. H. & H. & heredes ipsius R. war' predicto
 J. M. predicta manerium burgum tenementa
 reddit communiam pasture & rectoriam cum
 pertin' ac advocacionem predictam sicut pre-
 dictum est toto termino predicto (si predicta H.
 tam diu vixerit) Et predictus J. M. & heredes
 sui war' predicto J. M. predicta manerium
 burgum tenementa reddit communiam pasture
 & rectoriam cum pertin' ac advocacionem pre-
 dictam sicut predictum est toto termino pre-
 dicto (si predicta H. tam diu vixerit) Et ulte-
 rius idem R. C. & heredes sui warant' predicto
 J. M. predicta manerium burgum tenementa
 reddit communiam pasture & rectoriam cum
 pertin' ac advocacionem predictam sicut pre-
 dictum est toto termino predicto (si predicta H.
 tam diu vixerit) Et p' hac, &c.

Capit & cognit' octavo die De-
 cembre Anno Regni Regis
 Caroli secundi vicesimo scdo
 coram nobis

Anglesey.
 Gilbert Gerard,
 Tho. Banks.

Wirtute
 Commissi-
 onis de Ded
 Pot Teste
 22 Junii
 Anno 22
 supradicto.

A *Præcipe* of a Manor, Messuages, Mills,
a Dove-house, Gardens, Lands, Meadow,
Pasture, Wood, Furze and Heath, Rent,
Free-Warren, View of Frank-Pledge, a
Rectory, and the Advowson of a
Church.

Leic' ff. **P** *Præcipe* Johanni prætyman Baro-
netto & Elizabethæ uxorī ejus Edwardo Hun-
gerford Militi balnei Thome Doleman
Militi & Margerie uxorī ejus Willo præty-
man Arm & Johanni Morris Gen qd iuste,
&c. teneant Thome Waller serbied ad Le-
gem & Rictho Smith Gen Conuentionem,
&c. de Manerio de Loddington cum pñd ac
de quinquaginta mesuagiis duobus molendinis
uno columbar quinquaginta gardinis mille
acris terre quadringentis acris prati octingen-
tis acris Pasture ducentis acris bosci centum
acris Jampnozū & Buiere centum solidat
reddit libera warennā Wils Franc pleg cum
pñd in Loddington Wilton Land & Whad-
bozow alias Whadbozough Pecnon de Recto-
ria de Loddington cum pñd Ac etiam de
Advocatione Vicarie Ecclesie de Loddington
Et nisi, &c.

Et est Concordia talis scit quod pñdi
Johannes Prætyman Georgius & Elizabetha
Edwardus Thomas Doleman & Margeria
Willielmus & Johannes Morris recogn pñ-
dicta manerium tenementa reddit liberam
warennam Wils Franc pleg & rectoziam cum
pñd ac advocationem predictam esse jus ip-
sū Thome Waller ut ill que iidem Thomas

& Ricus habent de dono predictorum Johannis
 Wyntman Georgii & Elizabetha Ed-
 wardi Thome Doleman & Margerie Williel-
 mi & Johannis Porris Et illi remiserunt &
 quiete clamaverunt de se & heredibus suis
 predictis Thome Waller & Ricus & heredibus
 ipsius Thome imperpetuum Et p̄terea idem
 Johannes Wyntman concessit p̄ se & heredi-
 bus suis quod ipsi warant predictis Thome
 Waller & Ricus & heredibus ipsius Thome
 predicta manerium tenementa reddit liberam
 warennam Vis Franc pleg & rectoriam cum
 p̄tin ac advocacionem predictam contra pre-
 dictum Johannem Wyntman & heredes suos
 imperpetuum Et ultius idem Georgius &
 Elizabetha concesserunt pro se & heredibus
 ipsius Georgii quod ipsi warant predictis
 Thome Waller & Ricus & heredibus ipsius
 Thome predicta manerium tenementa reddit
 liberam warennam Vis Franc pleg & Rector-
 riam cum p̄tin ac advocacionem predictam
 contra predictos Georgium & Elizabetham &
 heredes ipsius Georgii imperpetuum Et in-
 super idem Edwardus concessit pro se & heredi-
 bus suis quod ipsi warant predictis Thome
 Waller & Ricus & heredibus ipsius Thome
 predicta manerium tenementa reddit liberam
 warennam Vis Franc pleg & Rectoriam cum
 p̄tin ac advocacionem predictam contra pre-
 dictum Edwardum & heredes suos imperpe-
 tuum Et etiam idem Thomas Doleman &
 Margeria concesserunt pro se & heredibus ip-
 sius Thome quod ipsi warant predictis Thome
 Waller & Ricus & heredibus ipsius Thome
 predicta manerium tenementa reddit liberam
 warennam Vis Franc pleg & rectoriam cum
 p̄tin ac advocacionem predictam contra pre-
 dictos

dictos Thomam Doleman & Margeriam & heredes ipsius Thome imperpetuum ac etiam idem Willielmus concessit pro se & heredibus suis quod ipsi war' predictis Thome Waller & Nicholao & heredibus ipsius Thome predicta manerium tenementa redditum liberam warennam Vis Franc' pleg' & redoziam cum pertind ac advocacionem predictam contra predictum Willielmum & heredes suos imperpetuum Et denique idem Johannes Nozris concessit pro se & heredibus suis quod ipsi warant predictis Thome Waller & Nicholao & heredibus ipsius Thome predicta manerium tenementa redditum liberam warennam Vis Franc' pleg' & redoziam cum pertind ac advocacionem predictam contra predictum Johannem Nozris & heredes suos imperpetuum Et pro hac, &c.

Capt & cognit p supranominat
Johannem Pzetyman Georgid
Pzetyman & Elizabetham ux-
orem ejus Edwardum Hunger-
ford Willielmum Pzetyman &
Johannem Pozris quarto die
Augusti Anno Regni Regis
Caroli secundi vicesimo secun-
do coram

Georg' Lulls.

Will' Belke.

Capt & cognit per supranominat
Thomam Doleman & Mageri-
am uxorem ejus decimo octavo
die Augusti Anno Regni Dni
Caroli secundi nunc Regis
Anglie, &c. vicesimo secundo
coram nobis

Rich' Pocock.

Phill' Kiftell.

Virtute
Commissi-
onis de des-
dimus Po-
testatem
Teste 22
die Julii
Anno 22
supradicto.

A Fine from eight Cognisors to two Cog-
nisees, of a Manor, Messuages, Cottages,
Barns, a Dove-house, Gardens, Orchards,
Land, Meadow, Pasture, Furze and
Heath, Rent, Free Fishing, and the Ad-
vowson of a Church, with special Wa-
ranty by the first Cognisor and his Wife,
against them and the Heirs of the Hus-
band, and against the Heirs of his Bro-
ther and Father, and against all other
claiming against them the said Husband
and Wife, Brother and Father, or either
of them (the other Cognisors warranting
generally against them and their Heirs.)

Buck' ff.

P Recipe Willielmo Tyzingham
Milici Balnei & Sare uxori es-
K 3 jus

sus Henrico Wright Armigero Johanni Hutchin-
 son generoso Johanni Bathurst Armigero
 Nicholao Lanyon Armigero & Dorothee uxor
 ejus & Edwardo Backwell Armigero qđ iuste,
 &c. ceneant Johanni Morris Generoso & Ri-
 chardo Mountney Juniori Generoso Conventi-
 onem, &c. de manerio de Tyzingham cum p-
 tinent ac de quinque mesuaglis quinqz cotaglis
 quinqz horreis uno columbar quinqz gardinis
 quinqz pomariis quadringentis acris terre du-
 centis acris prati octingentis acr pasture tribus
 acr bosci centid acr Lampnoy & byuere & qua-
 draginta solidas reddit cid ptinent in Tyzing-
 ham Pecnon de libera piscaria in Aqua de
 Dulse cid ptin in Tyzingham Acetiam de ad-
 vocatione Ecclesie de Tyzingham Et nisi, &c.

Et est Concordia talis scilicet quod pđicti Will-
 lielmus & Sara Henricus Johannes Hutchin-
 son Johannes Bathurst Nicholaus & Dorothea
 & Edwardus recognoverunt pđicta manerium
 tenementa & piscariam cid ptinent ac advocati-
 onem pđictam esse ius ipsius Johannis Morris
 ut ill que iidem Johannes & Richardus habent
 de dono pđictorū Willielmi & Sare Henrici
 Johannis Hutchinson Johannis Bathurst Ni-
 cholai & Dorothee & Edwardi Et ill remise-
 runt & quiete clamaverunt de ipsis Willielmo
 & Sara Henrico Johanne Hutchinson Johanne
 Bathurst Nicholao & Dorothea & Edwardo &
 heredibus suis pđictis Johanni Morris & Ri-
 chardo & heredibus ipsius Johannis imppetuum
 Et pterea iidem Willielmus & Sara concess-
 runt p se & heredibus ipsius Willielmi qđ ipsi
 par pđictis Johanni Morris & Richardo & he-
 redibus ipsius Johannis pđicta manerium tene-
 menta & piscariam cid ptinent ac Advocacione
 pđictam contra pđictos Willielmū & Saram &
 hered

heres ipsius Willielmi ac contra heres Johannis
 Tyzingham Militis Fratr̃is p̃dicti Willielmi
 & Thome Tyzingham Militis Patris p̃-
 dicti Willielmi defunctor̃. Ac contra omnes
 alias clamantes p̃ p̃dictos Willielmū & Saram
 Johannē & Thomā aut eorū alterū imppetuum
 Et ult̃ius idem Henricus concessit p̃ se & here-
 dibus suis qđ ipsi war̃ p̃dictis Johanni Mor̃ris
 & Richardo & heredibus ipsius Johannis p̃dicta
 manerium tenementa & piscariam cū ptineñ
 ac Advocationem p̃dictam contra p̃dictum Hen-
 ricum & heres suos imppetuum Et insuper
 idem Johannes Hutchinson concessit pro se &
 heredibus suis qđ ipsi war̃ p̃dictis Johanni
 Mor̃ris & Richardo & heredibus ipsius Johannis
 p̃dicta manerium tenementa & piscariam cum
 ptineñ ac Advocationem p̃dictā contra p̃dictū
 Johannē Hutchinson & heres suos imppetuum
 Et etiam idem Johannes Bathurst concessit p̃
 se & heredibus suis qđ ipsi war̃ p̃dictis Johanni
 Mor̃ris & Richardo & heres ipsius Johannis p̃-
 dicta manerium tenementa & piscariam cū ptin-
 neñ ac Advocationem p̃dictā contra p̃dictum
 Johannē Bathurst & heres suos imperpetuū
 Et etiam iidē Nicholaus & Dorothea concesserunt
 p̃ se & heredibus ipsius Nicholai qđ ipsi
 warant p̃dictis Johanni Mor̃ris & Richardo &
 heredibus ipsius Johannis p̃dicta manerium te-
 nementa & piscariam cū ptineñ ac Advocatio-
 nem p̃dictā contra p̃dictos Nicholaum & Do-
 rotheā & heres ipsius Nicholai imppetuū Et
 deniq; idem Edwardus concessit p̃ se & heres
 suis qđ ipsi war̃ p̃dictis Johanni Mor̃ris & Ri-
 chardo & heredibus ipsius Johannis p̃dicta ma-
 nerium tenementa & piscariam cum ptineñ ac
 Advocationē p̃dictā contra p̃dictū Edwardū &
 heres suos imppetuum Et p̃ hac, &c.

Capit & cognit p supranominat
 Nicholaum Lanyon & Dorotheam
 uxorem eius decimo nono die Martii Anno Regni
 Dni Caroli scđi nunc Regis Anglie, &c. vicesimo scđo coram nobis

Roberto Clayton,
 Willielmo Belke.

Capit & cognit p supranominatos
 Willielmum Tyzingham & Saram
 uxorem ejus Johannem Bathurst & Edwardum
 Backwell vicesimo scđo die Junii Anno Regni Regis
 Caroli scđi vicesimo scđo coram nobis

Roberto Clayton.
 Richardo Maryot.

Capit & cognit p supranominatos
 Henricum Wright & Jo-
 hem Hutchinson primo die Julii Anno Regni Regis Ca-
 roli scđi vicesimo scđo coram nobis

Roberto Clayton,
 Willielmo Belke.

Virtute
 Commissi-
 onis de de-
 dimus Po-
 testatem
 Teste nono
 die Martii
 Anno 22
 supradicto,

A Fine of divers Manors, Messuages, Gardens, Land, Meadow, Pasture, Wood, Furze and Heath, Courts-Leet, Courts-Baron, View of Frank-Pledge, Rectories, Tithes, Oblations, Pensions, Portions, and the Advowsons of several Churches; with five Warranties and four Captions.

Lincoln ff. **P** Recipe Georgio Duci Buckingham & Marie uxorī ejus Rinaldo Grahne Armigero Georgio Brown Militi Balnei & Elizabethē uxorī ejus Johanni Morris Armigero & Roberto Clayton Generoso quod fuisse, &c. teneant Thome Rook Generoso & Willo Welke Generoso Conventionem, &c. de maneriis de Wragby & Terrington cum p̄tīd ac de decem mesuag̃ decem gardinis trescentis acris terre quadraginta acris p̄tīd ducentis acris pasture centum acris bosci trescentis acris jampnoz & hyere Cur' Let Cur' Baron & Wiſs Franc' pleḡ cum p̄tīd in Wragby Hardwick East-Terrington West-Terrington Houghton alias Holton cum Beckering Tresbutt Panton & Barkwith Acciam de Rectoriis de Wragby & Terrington cum p̄tīd Pecnon de omnibus & omnimodis decimis oblationibus pensionibus & portionibus annuatim p̄obenien̄ crescen̄ seu renovan̄ in Wragby Terrington Ac de Advocationibus Ecclesiariū de Wragby & Terrington Et nisi, &c.

Et est Concordia talis scilicet qđ p̄dict Dux & Maria Ranaldus Georgius & Elizabetha Johannes & Robertus recognoverunt p̄dicta maneria tenementa Cur' Let Cur' Baron Wiſs Franc' pleḡ & rectorias cum p̄tīd ac decimas oblationes

oblationes pentiones & portiones ac advocatio-
 nes predict esse suis ipsius Thome Et ite que
 iidem Thomas & Willielmus habent de dono
 predictorum Ducis & Marie Rinaldi Georgii
 & Elizabethhe Johannis & Roberti Et ite remis-
 serunt & quiete clamaverunt de ipsis Duce &
 Maria Rinaldo Georgio & Elizabetha Johan-
 ne & Roberto & heredibus suis predict Thome
 & Willo & heredibus ipsius Thome imperpe-
 tuum Et preterea iidem Dux & Maria concess-
 runt pro se & heredibus ipsius Ducis quod ipsi
 war predict Thome predicta maneria tenemen-
 ta Cur Reg Cur Baron Wils Franc pleg & rectorias
 cum pertin ac decimas oblationes pention-
 es & portiones ac advocaciones predict contra
 predict Ducem & Mariam & heredes ipsius
 Ducis imperpetuum Et ulterius idem Ri-
 naldus concessit p se & heredibus suis quod ipsi
 war predict Thome & Willo & heredibus ip-
 sius Thome predict maneria tenementa Cur
 Reg Cur Baron Wils Franc pleg & rectorias
 cum pertin ac decimas oblationes pentiones
 & portiones ac advocaciones predictas contra
 predict Rinaldum & heredes suos imperpetuum
 Et insuper iidem Georgius & Elizabetha con-
 cesserunt pro se & heredibus ipsius Georgii quod
 ipsi war predict Thome & Willo & heredibus ipsius
 Thome predict maneria tenementa Cur Reg
 Cur Baron Wils Franc pleg & rectorias cum
 pertin ac decimas oblationes pentiones & por-
 tiones ac advocaciones predict contra predict
 Georgium & Elizabetham & heredes ipsius
 Georgii imperpetuum Et etiam idem Johannes
 concessit pro se & heredibus suis quod ipsi war
 predict Thome & Willo & heredibus ipsius
 Thome predict maneria tenementa Cur Reg
 Cur Baron Wils Franc pleg & rectorias cum
 pertin

pertin ac decimas oblationes pentiones & por-
tiones ac advocaciones p̄dict contra p̄dictum
Joh̄nem & heredes suos imperpetuum Et idem
Robertus concessit p̄ se & heredibus suis quod
ipsi war p̄dictis Thome & Willo & heredi-
bus ipsius Thome p̄dicta maneria tenementa
Cur̄ Let Cur̄ Baron̄ Wiſ̄ Franc̄ pleḡ & re-
sor̄ias cum pertin ac decimas oblationes pen-
siones & portiones ac advocaciones p̄dictas
contra p̄dictum Rob̄tum & heredes suos imper-
petuum Et p̄ hac, &c.

Capit & cognit per supranominatos
Ducem & Mariam ux̄ ejus vicesimo
sc̄bo die Junii Anno Regni Regis
Car̄ S̄di vicesimo secundo coram
Edwardo Christian.
Georgio Lulls.

Capit & cognit p̄ supranominatos Jo-
hem Morris & Robertum Clayton
eisdem die & Anno coram
Philippo Kistel.
Georgio Lulls.

Capit & cognit per supranominatum
Ranaldum Grahine vicesimo octa-
vo die Junii Anno vicesimo secundo
supradicto coram
Georgio Lulls.
Tho. Mayhew.

Capit

Capit & cognit per supranominatos
Georgium Brown & Elizabetham
uxorem ejus primo die Julii Anno
vicesimo secundo supradicto coram
nobis

Philippo Kistell.
Tho. Pearse.

Note, In a Recovery upon this Fine the De-
mandant counted——quod fuit seist de
Maneriis Tenementis Cur' Let Cur' Baro-
n' M^{is} Franc' pleg & Rectoriis predictis
cum pertinen' ac de decimis oblationibus
pentionibus & portionibus predictis in do-
minico suo ut de feodo & jure ac de advoca-
tionibus predictis ut de feodo & jure, &c.
And the Warranties were——Et gratis
Maneria tenementa Cur' Let Cur' Baron
M^{is} Franc' pleg & Rectorias predict' cum
pertinen' ac decimas oblationes pentiones
portiones & advocaciones predict' ei war,
&c.

A Fine upon two Writs of Covenant.

Of a great Number of Manors, several Hundreds, many Messuages, divers Mills, Dove-houses, Gardens, great Quantities of Land, Meadow, Pasture, Wood, Furze and Heath, Moor, Marsh, Alder, Land covered with Water ; of Rent, Free Fishing, Liberty of Foldage, Courts-Leet, View of Frank-Pledge ; of a Rectory, and the Advowsons of several Churches in *Suffolk* ; and,

Of several Manors, Messuages, Mills, Dove-houses, Gardens, Land, Meadow, Pasture, Wood, Furze and Heath, Moor, Marsh, Alder, Rent, Free-Fishing, Liberty of Foldage, View of Frank-Pledge, a Rectory, and the Advowsons of a Church, and the Vicaridge of a Church in *Norfolk*.

Suff' ff. **P** Recipe Willo Heveningham & Marie uroxi ejus quod fuisse, &c. beneant Bziano Cokayne Armiq Wiceromiti Cullen in Regno Hibernie Radulpho Banks Militi Tho. Fanchawe Militi Balnei Edwardo Bit Ar & Carolo Coynwallis Ar Con, &c. de Paneris de Wilton cum Hockwolde cu Wilton alias Wilton cum Hockwolde Ponynge alias Wilton Ponynge alias Hockwolde Ponynge Scales alias Wilton Scales alias Hockwolde Scales Puntfordes alias Holckwolde Puntfordes alias Wilton Puntfordes Brewkeis Scynton Lowstoft alias Leystoft Castleet Westleet Northleet Southleet. Golestone Putford Carleton Bromeholme in Carleton Colvile Pentsted alias Blunston Savages

bages Hensted Blundston alias Blunston
 Hensted alias Hensteds Perpounds alias Poy-
 ninges Fritton alias Freton alias Fretons
 Pastons Blundeston alias Gumbiles alias
 Seropehal alias Gumbiles Blunston Heven-
 ingham Malpool Wppeston alias Wbbeston
 Cookely Sypton Hall & Chickeringe cum per-
 tin Ac de Hundrebis de Lothingland & Pus-
 ford cum pertin Accliam de centum Meluagis
 duobus Polendinis duobus Columbar centum
 Gardinis tribus mille sexcentis & quinquagen-
 ta acris terre quingentis acris prati quingen-
 tis acris pasture quadringentis & septuaginta
 acris bosci trecentis acris sampnozium & bryer
 crescentis acris Poze mille acris marisci cen-
 tum acris alneti octoginta acris terre aqua com-
 perte decem Librat Reddit libera piscaria li-
 bertat duorum Faldagiozum Cur Let & Wis-
 Franc pleg cum pertin in Brandon Lakens-
 beath Hensted Blundeston alias Blunston
 Wrentham Fritton alias Freton Wenacte als
 Wenaker Kellingham Southcove Frostendon
 alias Frostenden North Hales Roydon Wg-
 gehal Stoben Rushmer Redham magna Red-
 ham parba Beccles Somerlepton als Somer-
 ly Town Hopton Olton Coxton Flinton
 Rounde Belton Herringfleet Gunston Low-
 stoft Ashley Bradwel Burrough Cozleton
 Sutterly Weston Northcove Askwaby Gills-
 ham Barnaby Wakefield Kirby alias Kirby
 Bramby Castle Southcrown Shadingfield Cl-
 low Willingham Heveningham Malpool Wp-
 pestone als Wbbeston Cookley Sypton Chicks-
 ring Huntingfield Laxfield & Peaseval
 non de advocacionibus ecclesiarum de Hensted
 Blundeston Fritton alias Freton & Carleton
 Colville Et nisi, &c.

Norf. ff. **P**recipe eidem quod fuisse, &c. te-
neant eidem Conventionem, &c.
e maneris de Wilton Hockwolde als Hock-
wolde cum Wilton alias Wilton cum Hock-
wolde Ponnyges alias Wilton Ponnyges alias
Hockwolde Ponnyges Scales alias Wilton
alias Hockwolde Scales Muntfordes alias
Wilton Muntfordes alias Hockwolde Munt-
fordes Stewkeis Drinton Betteringham &
Lakings cum pertin. Ac de centum melua-
riis duobus molendinis duobus columbar cen-
tum gardinis duabus mille & quingentis acris
terre ducentis & sexaginta acris prati septin-
gentis acris pasture centum & septuaginta acris
bosci trecentis acris jamnozorum & buere tres-
centis acris moze mille acris marisci centum
acris alneti centum solidat reddit libera piscas-
ia libertat trium saldagiorum & Vis Franc
pleg cum pten in Hockwolde Wilton Felt-
well Brandon Wering Betteringham Berher-
ett Carleton Cantlowe & Intwood Acetiam
de rectoria de Betteringham cum pertin. Nec-
non de advocacione ecclesie Sancti Petri in
Hockwolde ac advocat vicarie ecclesie de Bet-
teringham Et nisi, &c.

Et est Concordia talis scilicet quod predicti
Willus & Maria recogn predicta maneria
mundreda tenementa reddit piscarias libertat
Cur Let Vis Franc pleg & rectoriam cum
pertinen ac advocaciones predictas esse sus ip-
sus Wziani ut ill que idem Wzianus Radul-
phus Thomas Edwardus & Carolus habent de
bono predictorum Willd & Marie Et ill re-
niserunt & quiere clamaverunt de ipsis Willo
& Maria & heredibus suis predictis Wziano Ra-
dolpho Thome Edwardo & Carolo & heredibus
ipsius

ipsius Bziani imppetuum Et preterea idem
 Willus & Maria concesserunt pro se & heredibus
 ipsius Willli qd ipsi war predict Bziani
 Radulpho Thome Edwardo & Carolo & heredibus
 ipsius Bziani predicta maneria hundredorum
 tenementa reddidit piscarias libertat Cur Let
 Will Franci pleg & Redoziam cum pertid ac
 advocaciones pō contra pō Willlum & Mariam
 & heres ipsius Willli imppetuum.

Capit & cognitū quintodecimo die No-
 vembz Anno Regni Dnd nostri
 Caroli secundi nunc Regis Anglie,
 &c. tertio decimo coram

Jo. Morris.
 Tho. Brown.

Virtute Brevis de Dedimus Potestatem
 Teste 7 Nov. eodem Anno.

*Note, See the King's Letter directed to the
 Justices of the Court of Common Pleas
 at Westminster, to pass these two Fines in
 order to the suffering two Recoveries of
 the same Lands entred upon a Plea-Roll
 in Michaelmas Term, Anno 14 Car. 2. Rot.
 213. amongst the Entries of Mr. Pinson's
 (now Mr. Townsend's) Office of that
 Term.*

Thus

Thus have we set down the several Forms of Fines levied upon a Writ of Covenant, being now mostly or altogether in Use; tho' (as be ore observed) a Fine may be levied upon a Writ of *Warrantia Chartæ*, or a Writ of Right, or a Writ of Mesne, or a Writ of Custom and Services, &c. in which Cases this Form is observed, *viz.*

The Writ is served upon the Party that is to acknowledge the Fine, and then he appearing doth accordingly: See *Dyer fol. 179. nu. 46.* See *West. sect. 23.*



[Vol. I.]

L

A

A Deed to lead the Use of a Fine.

This Indenture made, &c. Between *F. H.* of *M.* in the County of *K.* Gentleman, and *S.* his Wife, and *T. A.* of *W.* in the same County Gentleman, and *A.* his Wife of the one Part; and *R. S.* of *H.* in the same County, Yeoman, of the other Part, Witnesseth, That it is covenanted, granted, concluded, condescended and agreed by and between the said Parties to these present Indentures, in Manner and Form following (that is to say) First, That the said *F. H.* and *S.* his Wife, *T. A.* and *A.* his Wife, shall and will within the Space of six Months next ensuing the Date hereof, by due Course of Law, acknowledge and levy unto the said *R. S.* and his Heirs, before the Justices of his Majesty's Court of Common Pleas at *Westminster*, one Fine *Sur Concessit de droit come ceo*, &c. whereupon Proclamations may be had according to the Form of the Statute in that Case made and provided; of or for one Messuage or Tenement, one Barn, one Garden, one Orchard, and one Piece or Parcel of Land thereunto belonging, containing in all by Estimation, one Acre more or less, situate, lying and being in *M.* in the County aforesaid, and now in the Tenure or Occupation of *I. W.* or of his Assigns, bounding and abutting to the Lands belonging to the Dean and Chapter of *Christ-Church, Canterbury*, towards the South and West, to the Lands now or late of *T. H.* towards the East, and to the King's Highway towards the North. Which Fine as aforesaid agreed upon to be levied, shall be levied by the Name of one Messuage, one Barn, one Garden, one Orchard, and one Acre of Land, with the Appurtenances

ces in *M.* in the County aforesaid, or by such other apt or fit Name or Names as shall be thought fit and convenient. And it is hereby further covenanted, granted, concluded, condescended and agreed by and between the said Parties to these Presents, that the said Fine as aforesaid agreed upon to be levied by the Name aforesaid, or by what other Name or Names soever, or in what other Manner and Form soever, shall be and enure, and also the said *R. S.* and his Heirs, shall stand and be seized of the Premises aforesaid, and of every Part and Parcel thereof, to the only Use and Behoof of the said *R. S.* his Heirs and Assigns for ever, and to no other Uses, Intents or Purposes whatsoever. In Wills, &c.

Of the Effect and Operations of Fines.

WE now come to consider the Effect and Operation of Fines, wherein it is to be noted, That a Fine at this Day is a final End which doth conclude, bar and discharge for ever, as well Parties as Privies and Strangers to the same.

Except	{	Women Covert, (other than such as	These and their Heirs have five Years Time to pursue their Right after these Imperfections be removed.
		be Parties.)	
		Persons being within the Age of 21.	
		at the Time of levying thereof.	
		Persons in Prison, or out of the Realm.	
		And	
	{	Persons of unsound Mind.	

These are excepted, not being Parties to such Fines. *Quod nota.*

Here an Action is maintainable against the Pernor of the Profits.

Here also the Action is maintainable against the Pernor of the Profits.

Parties to the Fine, how barred.

Infant Party.

Saving also to Estrangers to such Fines, such Right, Title, Claim and Interest, as they have to the Land contained in the Fine at the Time of the ingrossing thereof; so that they, or their Heirs, pursue the same by Action or lawful Entry within five Years after Proclamations thereupon made according to the Statutes. And saving to all other Persons such Action, Right, Title, Claim and Interest in or to the Land, as first shall grow, descend, remain or come after the Fine ingrossed, and Proclamations made, by force of any Cause or Matter had or made before the Fine levied, so that they pursue their Action, Right or Title within five Years next after that it to them accrued. See the Statutes of *Fines*, 18 Ed. 1. 4. 34 Ed. 3. 16. 1 R. 3. 7. 4 H. 7. 24. 32 H. 8. 36.

For the Explication of these Statutes observe :

That the Persons to be barred by a Fine are the Parties to the Fine, the Privies and Estrangers.

The Parties are really barred, although they be Ideots or *Non compotes mentis*. Co. Lit. 247. Co. Inst. 2 Part, 516.

So the Fines of Men that have the Lethargy, old doting Persons, drunken Men, &c. (tho' they ought not to be received, yet) being received, are unavoidable and binding. 17 E. 3. 5. 78. 17. Aff. 17. Plowd. 368. 4 Co. 124.

The Parties themselves to the Fine (if they be of the Age of 21 Years) are for ever bound up by the Fine, and have no Time given them by Claim to avoid it : but an Infant is preserved during his Minority; so that if he pass away his Estate by Fine, it may be reversed at any Time during his Minority, but not afterwards. 17 E. 3. 52. 78. 59 Ed. 3. 5. 2 Bull. 310. Such

Such as are blind, deaf or dumb naturally or accidentally, if they can express their Mind in Writing, may in some Cases be barred by their own, or by the Fines of another Man.

Privies how barred.

PPrivies, being Heirs and Executors to the Parties (void of Impediment at the Time of the Fine levied or not) if they claim by the same Title that their Ancestor had that levied the Fine, are barred for ever by the Fine.

And by Privies also are understood Privies in Blood, not only the Heir at the Common Law, but Heirs by Custom, as Burrough-English, Gavelkind, and the like, who claim as Heirs by Custom. But by Privies are not intended such Privies in Estate, as are Joint-tenants, Donor and Donee, Lessor and Lessee, or the like. 2 Co. Inst. 516.

That the Son shall never have Remedy upon a Fine levied in the Time of his Father, and the five Years after the Proclamations passed, but in Case where the Right begins first to be a Right in the Son. Popb. Rep. 113. Plowd. 369.

Privies or Heirs in Estate and Blood, as he that is Heir to him, to whom the Land doth or should descend, are within these Statutes, and shall be barred by the Fine of their Ancestor of that Land: And so also shall Privies in Estate, that are not Privies in Blood; as where one hath Land in Burrough-English, and levies a Fine of it, hereby the younger Son is barred. If my Father disseize my Grandfather of an Estate in Fee, and thereof levy a Fine with Proclamations, and first my Grandfather, and then my Father die, I am now barred as Privy, for

A Son's Remedy.

Privies in Estate and Blood barred by the Fine of the Ancestor.

Disseisor.

that I cannot otherwise convey my self to the Lands than as Heir to my Father the Conusor. *Dyer 3.*

Title by another and not by the Conusor.

Privy in Blood and not in Estate.

But one that makes his Title as Heir by another and not by him that levied the Fine, may not be barred. *1 Cro. 377.*

Also he that is privy in Blood only, and not in Estate also, is not within these Statutes, neither shall he be barred by the Fine. As if Lands be given to a Man and the Heirs female of his Body, and he hath a Son and a Daughter, and the Son levy a Fine and die without Issue, this is no Bar to the Daughter; for though she be Heir to his Blood, yet she is no Heir to the Estate, nor hath she need to make her Conveyance to it by him; but if the Father had levied, it would have been otherwise. *Trin. 21 Jac. C. B. Godfrey's Case.*

If Husband and Wife, Tenants in special Tail, have Issue and the Wife die, and the Husband marry another Wife and have Issue, and levy a Fine *sur Cognizance de droit come ceo, &c.* and by the same Fine take an Estate in special Tail, the Remainder over, *&c.* and die: In this Case the Issue by the first Wife is barred; for that he is privy in Blood notwithstanding the Continuance of Possession in the Husband, *Dyer 354.*

So if Lands be given to Husband and Wife in special Tail, the Remainder to the right Heirs of the Husband in Fee, and he alone levie a Fine with Proclamations of it: By this the Issue in Tail may be barred; for he cannot otherwise convey himself to the Tail and Descent in, than as Heir of the Body of Father and Mother. *Dyer 3. 251. Bro. Fines 109.*

Estrangers barred and who.

SUCH Estrangers as are to be concluded by a Fine, are all Persons whatsoever, that either have present Right and no Impediment, who are barred by five Years after Proclamations, if they make not their Claim within that Time, and so as well Tenant for Years, Tenant by Statute Merchant and Staple, Copyholders and Customary-holders, as Tenant of Freehold and Inheritance, if they be out of Possession or Seisin at the Time of the Fine levied, are barred; for a Fine levied by a Stranger (by the Common Law) cannot bar him that is in Possession, 2 Co. Inst. 517.

Persons having present Right without Impediment.

Or they are such as have present Right, and have Impediments, as Infants, Persons in Prison, *Non sanae Memoriae*, &c. And these are barred if they make not their Claim, &c. within five Years after the Impediment removed; And if after Proclamation their Impediments be wholly removed, and afterwards they fall into the like again and die, their Heirs shall not have five Years claim anew; but the first Years begun immediately after the first Removal shall run on to five Years. Plowd. 375.

Persons having present Right with Impediments.

Or they are such as have no present but future Right upon Cause precedent; and then such Strangers to Fines being void of Impediments, whose Right or Title cometh or descended to them after the Proclamations, have five Years after the coming of such Right. 1 R. 3. 7. 4 H. 7. 24. Plowd. 378. a. b. So he in Remainder or Reversion depending upon an Estate of Freehold after the Reversion or Remainder accrueth, hath five Years to enter; and if

Persons having future Right and no Impediments.

Future Right
with Impedi-
ments.

he die before Entry, his Heir hath only five Years to enter after the Death of the particular Tenant. *Plowd.* 374. *a b.* But if these have Impediments, they shall have five Years after the Impediment removed. *Plowd.* 364. *a.*

Persons having
neither present
nor future
Right by Reason of any
Matter had afore the Fine.

Or they are such as have neither present nor future Right at the levying of the Fine by Reason of any Matter had afore the Fine, whose Right groweth either intirely after the Proclamations, or partly before, and partly after. And these may enter and claim when they please within the Time of Prescription; as if the Father die seized, his eldest Son being professed in Religion, and the younger Son entred, and is disseised, and a Fine with Proclamations levied, and after the eldest Son is disraigned, *i. e.* discharged of his Profession or Religion; it seemeth he is bound to no Time, but may claim when he will. *Plowd.* 3. *Stowel's Case.*

Note, If a single Woman, being an Estranger to the Fine, having present Right, take an Husband who suffereth the five Years to incur, she is for ever barred. *Plowd.* 366. *a.*

They that have Right of a Reversion or Remainder expectant upon an Estate-tail or for Life, shall have five Years after their Title comes unto them to make their Claim. 2 *Co. Inst.* 518.

Corporations.

Civil Bodies and Corporations having an absolute Estate so as to maintain a Writ of Right, as Mayor and Commonalty, Dean and Chapter, &c. are barred presently as Privies, and within five Years as Strangers; as if one disseize such a Corporation of Land belonging to it, and after levy a Fine of it with Proclamations, and they claim not, &c. within the five Years, they are barred. *Plowd.* 537, 538.

But

But in such Case of a Fine levied by a Disseisor or other, every Successor or Successors, Head of the Corporation, shall have a new five Years to make their Claim. *Plowd.* 539. Every Successor new five Years.

So every Officer that hath Land appertaining to his Office, as Parker, Forester, Keeper of a Gaol, &c. will be barred by Non-claim after a Fine levied by a Disseisor, and after five Years past after the Proclamations: But the Successor shall not be bound, if he also shall not suffer five Years to pass in his Time. So that these and Corporations are by their Laches barred only for their own Time. *Plowd.* 537.

Deans, Bishops, Masters of Hospitals, Parsons, Vicars, Prebendaries, &c. which may not have a Writ of Right, are not barred by five Years; for they are restrained by divers Statutes to levy a Fine to conclude their Successors of such Land, as they hold in Right of their Churches, Houses, &c. Nor will the Non-claim of such prejudice their Successors. *Plowd.* 138, 375, 378, 538. *a.* And it is a Rule, That such Persons as may not have a Writ of Right, but either a *Juris utrum*, or *sine assensu Capituli*, are not barred by such Fines, if the Patron and Ordinary join not with them. *F. N. B.* 118. Spiritual Persons.

By the ancient Common Law, he that had Right was to make his Claim, &c. within the Year and a Day of the Fine levied and the Execution thereof, or he was barred for ever; but this Bar is gone. And if such a Fine without Proclamations be now levied, he that hath Right may make his Claim or Entry, &c. at any Time to prevent the Bar. *Co. Lit.* 254, 262. The Time of Claim from the whole as to Strangers.

The Time of Claim.

A Lessee for Years shall have five Years from the Commencement of his Lease to claim. 2 Cro. 60. He that hath two Titles shall have two five Years to make his Claim. *Jenk. Cent. 6. Case 45.* Five Years are given after a Remainder doth fail, and five Years after the Forfeiture of Tenant for Life, and five Years for a Woman to claim her Dower after her Husband's Death. *Plowd. 374. Dy. 3. 19 H. 8. 7.* An Infant shall have five Years after he comes to his full Age, although he was in his Mother's Womb at the Time of the Fine levied. *Plowd. 539.* Madmen, &c. have five Years after Cure of their Maladies, although the Infirmary happen after the Fine levied, and before the last Proclamation. *Plowd. 339, 367, 375, 377. Dyer 3.* Estrangers out of the Realm at the Time of the Fine levied, shall have five Years after their Return; so also if they were in *England* at the Fine levied, and within the five Years be sent in the King's Service and by his Commandment. *Plowd. 366.* If the Party be beyond Sea at the Time of the Fine levied, and never return but die there, the Heir shall not be barred at all. *Sir Tho. Cotton's Case, 20 Eliz.* If he be in *Ireland* or *Scotland*, he shall be said to be out of the Realm. 4 H. 7. *Plowd. 367.* They who have divers Defects, have five Years after the last Infirmary removed; but if there be divers Impediments, and once wholly removed, and afterwards they fall into the like again and die; the first five Years begun in the Ancestor's Time shall proceed and be reckoned to the Heir, and he shall at the End be bound, as the Ancestor should

should, if he had remained free all the five Years. *Plowd.* 375. *Dyer* 133.

If he that hath Right be beyond Sea at the Time and never return, the Heir is not limited to Time. And so it is of an Infant being Party to the Fine having present Right, if he dieth in his Infancy, his Heir is not limited: And so it is of a Person *Non compos mentis* by the Act of God; or a Man in Prison by the Act of the Law; or a Feme Covert by her own Act if she die so, being no Parties to the Fine. *2 Co. Inst.* 319, 320. *Plowd.* 366.

Note, That the Estates to be barred by a Fine, are either Estates by Common Law, or by Custom, as Copyhold. And those either in Fee-simple, Fee-tail, for Life, or for Years. The Estates also of Tenants by *Elegit*, by Statute-Merchant and Staple; and the Estate of a Guardian and Executors that are to hold Lands till Debts and Legacies paid. *5 Co.* 123. *Saffin's Case.* *2 Cro.* 60. *Golds.* 171.

Of the Estate to be barred.

The Things whereunto these Statutes do extend are Lands and Tenements only, and not Rents or other Profits aprender out of the Land; and therefore if a Fine be levied of a Rent or Common of Pasture, and he that hath Right doth not make his Claim; this is no Bar. *2 Cro.* 61. So if I have Estovers out of the Land, or a Way over the Land, and the like. *Plowd.* 378. *5. Co.* 124. *Bro. Fines.* 123.

To what Things the Statutes extend.

If Lessee for Years, or Tenant by Statute or *Elegit* be ousted, and a Fine with Proclamations levied, and five Years past, they are all barred. *Plowd.* 374.

Lessee, &c. how barred,

If one make a Lease for Years to begin after the end of another Term of Years then in being: The first Lease for Years ends; the second Lessee

see

see doth not enter, but suffer him in Reversion to enter, and he makes a Feoffment, and levies a Fine with Proclamations, and the five Years pass; in this Case this Interest by the second Lease is barred. 5 Co. 123. 2 Cro. 60. See 1 Cro. 77.

Lessor and Lessee.

If Lessee for Years be ousted, and by it the Lessor disseised, the Disseisor levy a Fine, and five Years pass with Proclamations without Claim: In this Case the Lessor and Lessee both are barred. 2 Cro. 60. Co. 3. 77. *Fermor's Case*.

Copyholder and Lord.

If one enter upon and put out a Copyholder in Fee of Land, and levy a Fine thereof, and the Copyholder suffer five Years to pass without Claim, &c. the Copyholder and the Lord both are hereby barred for ever. And yet if a Copyhold Estate be granted to one for Life, the Remainder to another for Life, and the first Copyholder taketh a Bargain and Sale of the Freehold from the Lord, and then levies a Fine with Proclamations and five Years pass, by this the Copyhold-Estate in Remainder is not barred. *Brownl.* 2 Part. 153.

Lessor, Lessee.

And if a Lease be made for Years, and the Lessor or another, before the Entry of the Lessee levy a Fine with Proclamations, and the Lessee doth not make his Claim within five Years, by this the Lessee is barred of his Interest for ever. 5 Co. 124. 9. 106. *Goldsb.* 171. And the Right of a Term will be barred by a Fine, if the Lessee were or might have ever been in Possession before the Fine levied. *Hill.* 43. *Eliz.*

Copyholder.

Coote and Atkinson's Case. But if A. be Copyholder for Life, the Remainder for Life, the Lord bargain and sell, and levy a Fine to B. this descendeth to C. who levies a Fine, five Years pass without Claim of him in Remainder, this is no Bar: Adjudged 3 Co. 104. *Podger's Case*. Con.

Concerning the Fines of Husband and Wife.

IF the Wife be within Age, and she and her Husband levy a Fine of her Land, they may by Writ of Error reverse it, and it shall be reversed as to both of them. *Leon. 115,*

Wife within Age.

317.

A Woman that has an Husband, ought not to be admitted alone without her Husband in any Case to levy a Fine: But if without her Husband she be admitted to levy a Fine of her own Lands, wherein she hath Fee-simple, the Husband may avoid it by Entry or otherwise during her Life, (or if he be Tenant by Curtesy, he may do it after her Death) but if he do not, it is a good Fine, and will bind her and her Heirs for ever.

Wife levies a Fine of her own Land without her Husband.

Except she be an Infant at the Time of the Fine levied, and her Husband happen to die during her Minority; for in this Case (if it be not a Fine *sur Grant & Render* to her in Tail or for Life) she may avoid it during her Minority: And yet if in this Case the Coverture do continue till her full Age, she may not avoid it unless her Husband join with her in it.

Exception.

But the Husband and Wife together either to dispose of her own Land, or to bar her of any Jointure or Dower upon her Husband's Land, may and ought to be received to levy any Fine, as any other Man or Woman may do. *12 Co. 122. 7. 8. 27 Aff. 51. Co. Inst. 3 Part, 515. Hughs Rep. 940.*

Husband and Wife together.

If the Husband without the Wife levy a Fine of the Wife's Lands, she and her Heirs may avoid it after his Death; but if she do not make her

Husband levies a Fine of the Wife's Land without her.

her Claim, &c. within five Years after her Husband's Death, then she is barred of her Right for ever notwithstanding the Statute 32 H. 8. and so are her Heirs barred for ever, as is said there. *Dyer* 72. *Plowd.* 373. *Lit. sect.* 731.

Husband levies a Fine of his own Lands and dies, Bar of Dower.

If the Husband levy a Fine of his own Land and die, and his Widow having no Impediment doth not make her Claim within five Years after his Death, hereby she is barred of her Dower for ever. 2 Co. 93. *Dyer* 224. *Goldsb.* 148. Co. *Inst.* 3. 216. *Leon.* 3. 221.

Bar of Jointure but not of Dower.

If a Jointure be made to a Woman after the Coverture, and her Husband and she levy a Fine of it, by this she is without Question barred of her Jointure in the Land; but it is thought that this will be no Bar to her of her Dower in the Residue of the Land of the Husband, and especially where that the Fine is *Sur Cognizance de Droit come ceo*, &c. *Dyer* 358. For that the Election to have Jointure or Dower is not given to her till her Husband's Death. *Leon.* 285.

Wife saved, and Issue barred.

The Husband and Wife Tenants in special Tail, the Husband alone doth levy a Fine and die, the Wife may enter, but the Issue is barr'd. *Moore Rep* 28. Case 90.

Wife not examined, Issue not barred.

If Husband and Wife Tenants in special Tail, and they levy a Fine at Common Law, and take back an Estate to them and their Heirs, by this the Estate-tail is not barred, for here she is not examined, and yet against a Fine levied by her self she shall not be remitted, for in this Case she is examined. *Lit. sect.* 670. She is not examined but when a Right is to pass from her. See before.

Two Husb ands and levies a Fine with the second.

If a Woman during her first Husband's Life, marry a second, and with him, and by his Name acknowledge a Fine, it shall not bind her because she is misnamed. 7 H. 4. 22, 23. *Vide ante.* And

And if she levy a Fine with her right Husband by a wrong Christian Name, she is bound by Estoppel during her Life, and the Tenant may plead that she by such a Name levied the Fine. 1 Aff. pl. 11. Brook Fines 117.

With the first by wrong Name barred by Estoppel.

If a Husband make a Feoffment of the Land of his Wife upon a Condition which is broken, the Feoffee levies a Fine, the Husband dieth in the fourth Year after the Proclamations, having Issue by his Wife, and after the Wife dies, and five Years pass, the Heir is barr'd to enter as Heir to his Father upon the Condition, but he shall have five Years after the Death of his Father, as Heir to his Mother for her Right, *Quando duo jura in una persona concurrunt æquum est ac si essent in diversis.* Plowd. 397.

Two five Years.

How the first and second saving of the Act shall be construed. See Plowd. 370. 3 Co. 86, 91. Plowd. 374.

No Fine, or other Act of the Husband's only, of or upon any the Lands that are the Inheritance or Freehold of his Wife, during the Coverture between them, shall hurt the Wife, but that she or her Heirs, or such as shall have right to the Land may avoid it; but the Fine of the Husband and Wife together of her Lands, is good, and shall bind her and her Heirs. 37 H. 8. cap. 28.

How the Act of the Husband shall bind the Wife.

She that hath an Estate of the Land that was her Husband's or any of his Ancestors assured to her for Jointure, Dower, or Intail by her Husband, or any of his Ancestors, may not levy a Fine of this Land to grant a greater Estate thereby than for her own Life; if she do this will make a present Forfeiture by Stat. 11 H. 7. cap. 20. And if such a Woman accept of a Fine *sur Cognizance de Droit come ceo, &c.* and by the same Fine render back the Land to the

Forfeiture by the Feme of Jointure, Dower, &c.

Cognizor for 100 Years ; this is within this Statute a Forfeiture. So if a Woman that hath Title of Dower, will before she be endowed, enter and levy a Fine, this will be within the Statute, and a Forfeiture of her Estate by 12 H. 7. 2 Cro. 689. Leon. 206. But a Lease for 21 Years by such a Woman Tenant in Tail, by her Husband's Gifts, &c. albeit it be not warranted by 32 H. 8. yet it seems this is no Forfeiture within 11 H. 7. 2 Cro. 689.

Fines by Tenant for Life, &c.

The Freehold must be in one of the Parties.

Partes Finis nihil habuerunt, &c..

Forfeiture.

IF either the Cognizor or Cognizee at the Time of the Fine levied be seized of an Estate of Freehold, in Fee-simple, Fee-tail, or for Life, in Possession, Reversion or Remainder, whether the same be by Right or Wrong, the Fine will be a good Fine as to point of Estate ; and therefore if one that is seized of Land in Fee-simple or Fee-tail, general or special, levy a Fine of this Land to a Stranger, this is a good Fine ; but if neither of the Parties have any Thing in the Land passed, the Fine in many Cases will be void and useless, and it may be avoided by this Plea, *viz.* That neither of the Parties had any Thing to do with the Land. 41 E. 3. 14. 22 H. 6. 43. 3 H. 7. 9. 27 H. 8. 4.

If a Fine be levied by or to a Tenant for Life of the Land he doth so hold, this Fine will be good as to the Estate of the Parties to the Fine ; but he must take heed of a Forfeiture in this Case. For if a Tenant for Life levy a Fine *sur Cognizance de droit come ceo*, &c. to a Stranger, or levy a Fine *sur Grant & Release* to a Stranger, to hold to the Cognizee for longer Time than for the Life of the Tenant

nant for Life; in this Case albeit the Fine be a good Fine, yet this a Forfeiture of the Estate of the Tenant for Life, whereof he in Reversion or Remainder may make present advantage and enter. But if such a Tenant for Life levy

^{1 Leon. 51.}
Forfeiture.

a Fine *sur Grant & Release*, to hold to the Cognizee for the Life of Tenant for Life, or grant his Estate by such a Fine to him in Reversion or Remainder, or by Fine grant a Rent out of the Land for longer time than for his own Life, this Fine is good, and there will be no Forfeiture of the Estate of Tenant for Life by it: So likewise if such a Fine be levied by Tenant for Life to a Stranger, who doth thereby acknowledge all his Right to be in the Tenant for Life, and release, and quit claim to him and his Heirs, and go no further; this is a good Fine, and no forfeiture of the Estate of the Tenant for Life, for his Estate is not changed thereby, and it may enure to him in Reversion. But if

Estate not changed.

the Stranger say farther in the Fine *Come ceo que il ad de son done*, this is a forfeiture. 27 E. 1. 1. Forfeiture.

44 E. 3. 36. 1 H. 7. 5. The same Law is of such Fines for Tenant in Tail after possibility, &c. and Tenant by the Courtesie. 39 E. 3. 16. And yet such a Fine of Rent out of the Land is no forfeiture.

Rent.

A Tenant for Life, in Tail after possibility, &c. or in Dower, may not by Fine grant and Surrender his Estate to him in Reversion, but he may grant and release it by a Fine. 17 E. 3. 62. 24 E. 3. 26.

Grant and Surrender.

That if neither the Cognizor nor Cognizee be seised of any Estate in Freehold, in Possession or Reversion of the Land whereof the Fine is levied, at the time of levying thereof, but have only a lease for years, or not so much; in this Case the Fine will be of no force as to any

[Vol. 1.]

M

Stranger,

Estoppel.

No Franktenement.

Disseisor levies to a Stranger.

Partes Finis nihil habuerunt.

Disseisor hath Fee-simple by wrong.

Stranger, however it may be good between the Parties themselves to conclude them by way of Estoppel; and therefore if the Lessee for years levies a Fine *sur Cognizance de Droit come ceo*, this will not be a good Fine, because he hath no Franktenement in him. *Jenk. Cent. 6. Case 45.*

If a Lessee for years, or a Disseisor, or one that hath a Right only to a Reversion or Remainder, levy a Fine to a Stranger that hath nothing in the Land, this Fine will be void, or at least voidable as for or to any Stranger to the Fine; and he that hath cause to except against it, may shew that the Freehold Estate and Seisin of the Land was in another before, and at the time of the Fine levied, and that *Partes Finis nihil habuerunt tempore levationis Finis*, and by this avoid the Fine; and yet a Disseisor may levy a Fine to a Stranger that hath nothing in the Land, and this will be a good Fine, for he hath the Fee-simple by wrong in him; and if the Disseisor suffer five years to pass without Claim, the Disseisor is barr'd. *Plow. 353. 6 Co. 105- 3 Co. 87.*

Bar by Estoppel, and how.

Estoppel, what.

THIS Fine is sometimes a Bar by way of Estoppel only: It is called an Estoppel where one is concluded and forbidden in Law to speak against his own Act, (albeit it be the truth he would speak) whereby his Mouth is stoppt, and his Hands are bound, that now he cannot say or do that which otherwise he might have said or done; and this may be done by Matter of Record, or by Matter in a Deed, or by Fact in the Country. For this see 2 *Co. 4. Plow.*

Plow. 397, 431. *Fixx.* N. B. 97. 3 *Co.* 3. 19.
4. *Co.* *Hind's Case.* 4 *Co.* 53, 71. *Plow.* 434.
21 *H.* 7. 24. 2 *Co.* 55. *Moor* 896, *Case* 869.

That where a Feoffment will work an Estoppel, there a Fine (which is a Feoffment upon Record) will much more work an Estoppel.

That Estopples do always descend upon the Heir General, and upon the Heir at Common Law, and none others; and the Daughter which comes in by a *Possessio Fratris* shall escape an Estoppel of the Father. *Hob.* 31. *Co. Inst.* 1. 353.

How Estopples descend.

In every Estoppel Privy is required, for it ought to be reciprocal. *viz.* to bind both Parties; and therefore regularly a Stranger shall never take an advantage of, nor be bound by an Estoppel, but Privies in Blood, as the Heir; Privies in Estate, as the Feoffee, Lessee, &c. Privies in Law, as the Lord by Escheat, Tenant by the Courtesie, in Dower, the Incumbent of a Benefice, and others that come under by Act of Law, or in the *Post*, shall be bound and take advantage of Estopples. *Co.* 1. *Inst.* 353. See 2 *Co.* 58. 30 *H.* 6. 2 *Co.* 4. 53. *Godb.* 147.

And who shall be bound by it.

Bar by Discontinuance.

THIS Fine doth sometimes work a Discontinuance of Land, and the Possession of it.

That is called a Discontinuance, where one that is present Owner of the Land doth grant some larger or greater Estate than he hath, (and thereby doth devert and interrupt the Inheritance or Estate which should or ought to have come to another) and then dieth, and another

Discontinuance what.

hath Right to have them, but he cannot enter by reason of such Alienation. And there is a Discontinuance in Fact, which is where there is a Transmutation of Possession; and in Law, as by Cognizance of Right by Fine; by which, notwithstanding that the Cognizor continueth the Possession, yet the other is Tenant in Law, and the right of the Estate, or of the Tail is discontinued or dissolved. *Lit. 134. sect. 192. Lit. 140. Co. Lit. 325.*

Fines by Tenant in Tail are Discontinuances.

That all Fines and Recoveries suffered by Tenant in Tail, to bar the Estate-Tail, are Discontinuances, in which there is no Remedy but in case where the Reversion is in the King. *10 Co. 96. See Moor 870.*

And note, That where a Feoffment will make a Discontinuance, there a Fine will much more make a Discontinuance.

Where an Estate is not discontinued; there regularly it is not barr'd by a Fine. *3 Cro. 827. Moor 170.*

Fine works by Remitter.

Remitter, what

THIS Fine doth sometimes work by way of Remitter.

A Remitter is a Man's Restitution to his former Right, or where a Man is come to two Titles of Land, and his later is defective, and not so good as the former, he is remitted to the former and better Title, &c.

That no Remitter shall be in case where there is a Fine or Recovery to hinder it, see *Co. Lit. 349.*

When it may be.

But if a Tenant in Tail levy a Fine with Proclamations, and after the same is reversed by Writ of Deceit; in this case the Issue in Tail

is remitted, and shall avoid all the Estates made, because the Fine is void between the Parties.

3 Cro. 471. *Cary and Dancy.*

See *Moor Rep.* Case 106. *Plow.* 367. *Moor* Case 257. *Bendl.* 30. *Hell.* 110.

This Fine doth also sometimes work by way Extinguishment. of Extinguishment of Rent, &c. reserved :

For this see *Moor* Case 249, 595. *Hob.* 3. 3 Co. 51. 9 Co. 141. 1 *Bul.* 45. 2 Cro. 699. *Dyer* 213.

This Fine doth sometimes also work to make a Forfeiture, as is before observed.

No Fine shall bar any Estate in Possession, Forfeiture. Estate in Possession put to a Right. Remainder or Reversion, which is not divested and put to a Right at the time of the Fine levied; and therefore if one levy a Fine of my Lands, whilst I am in Possession, this will not hurt me. 5 Co. 124. 9. 106.

And yet, if Tenant in Tail be disseised, or Fine to Disseisor by Disseisee. make a Feoffment in Fee, and after levy a Fine with Proclamations to the Disseisor or to a Stranger, by this the Issue in Tail are barred for ever. 3 Co. 90.

If I have Fee Simple and be disseised, and the Disseisor doth levy a Fine with Proclamations, Fines by Disseisor to a Stranger. and I do not levy within five years, by this I and my Heirs are barred for ever of the Land, 6 Co. 105. 3. 85. Co. Lit. 198. But the Heirs of Heirs of such as have Impediments. such as have Impediments, shall not be barred by Fine levied by Disseisor. *Jenk. Cent.* 4. Case 97. See 21 *Jac. cap.* 16. See *Plow.* 366. See *Poph.* 65.

If an Infant Disseisor make a Feoffment, and Infant Disseisor. the Feoffee levy a Fine with Proclamations, and five years pass; in this case the Disseisee is barred for ever. But the Infant shall have five years after his full Age to avoid the Fine; and if he enter, yet the Bar against the Disseisee doth continue. *Moor Rep.* 251, 399. M 3 If

Feoffment by
Tenant for life,
Feoffee levieth
a Fine.

If Tenant for Life make a Feoffment in Fee, and the Feoffee levieth a Fine with Proclamations, and he in Reversion or Remainder do not make his Claim, &c. within five years at least after the Death of Tenant for Life, hereby he is barred for ever. *Plowd. in Stowel's Case.*

Fine by Disfeisor to a Stranger.

If a Disfeisor levy a Fine to a Stranger, the Disfeisor shall hold the Land in this Case for ever. For the Disfeisor may not claim the Land against his own Fine, and the Conusee may not enter; for the Right doth not pass, but by the Fine the Right is extinct, whereof the Disfeisor may take advantage. 2 Co. 55, 79. But see the contrary. *March Rep. 105. pl. 180.* That it shall enure merely by way of Estoppel, and therefore not bind a Stranger.

Disfeisor of a Disfeisor

If a Disfeisor be disfeised, and a second Disfeisor levy a Fine; in this Case, if the first Disfeisor enter within the year, this by the Common Law had preserved the Right of the Disfeisor; so that in this Case, the Right of one that might have claimed and did not, was preserved, 2 Co. *Inst* 518.

Disfeisin is an unlawful dispossessing of a Man of his Land, Tenement or other immoveable or incorporeal Right.

Disfeisin is by force, or without force.

Where it is lawful and where not, see *Bract. li. 4. c. 4. Britton 42, 43, 44.*

How many ways it is committed, see *Fleta li. 4. c. 1.*

In some Cases an Estate-Tail may now be barred, that was not formerly barred; and in some Cases it may not be barred, that formerly might have been barred. *Co. Litt. 372.*

If the Tenant in Tail levy a Fine of the Land entailed with Proclamations according to the Statutes, although this is no Bar to him in Reversion

version or Remainder claiming in time; yet it is a Bar to the Estate-Tail, and to all others that have Right (that are not holpen by the Impediments named in the Statute) not claiming within five years. *Co. Litt.* 372.

And it is a Rule, That wheresoever the Issue in Tail doth claim by the same Title, and must make his Conveyance to the Lands by him that levied the Fine, there the Fine will bar him. 9 *Co.* 138. *Dyer* 3. 354.

That although the Fine be a double Fine with a Grant and Render; yet if the Grant and Render be of the Land it self, and not of any Profit aprender out of it, it is a Bar. *Co. Lit.* 153.

That although the Tenant in Tail die before the Proclamations finished, yet this being done, albeit it be after his death, the Issues are thereby concluded. 3 *Co.* 86.

That albeit the Issue in Tail be within Age, out of the Realm, under Coverture, *Non compos Mentis*, or in Prison, at the Time of the Fine levied, and the Proclamations passed, yet he is barred. 3 *Co.* 84.

That the Statutes, as to this, do extend to Fines levied by the Tenant in Tail by Conclusion; and the Issue will be bound by the Fine of the Ancestor, unto whom he is privy in Estate and Blood, albeit *Partes Finis nihil habuerunt*, &c. *Fenk. Cent. Case* 56.

That albeit the Estate, passed by the Fine, be afterwards (before all the Proclamations had) avoided, yet the Issue in Tail is barred by it. 3 *Co.* 91.

This is a Bar to the Estate-Tail and to the Issues only, but is no Bar to him in Remainder or Reversion; and therefore when the Estate-Tail is spent, this Bar is at an end. 1 *Co.* 66. *Co. Lit.* 372.

Rule.

1.

2.

3.

4.

5.

6.

7.

That this will be a Bar to the Issues in Tail of more than one Estate in Tail, if his Ancestor had more than one Estate-Tail in him. *Co. Lit.* 372. As if it be Tenant in Tail, the Remainder to him in Tail: *Et sic de similibus.*

As to the 1.

See more for these: *Leon. Rep.* 208, 268. *Moor* 747. 3 *Co.* 90, 98. *Moor* 399, 146, 147. *Dyer* 332. *Moor* 252, 253. 1 *Cro.* 111. *Moor* 628. *Leon.* 297. 1 *Co.* 96. 1 *Cro.* 314. 2 *Cro.* 40. *Jenk. Cent.* 6. c. 46. *Plowd.* 435, 436. *Dyer* 213. *Plowd.* 345. 1 *Cow.* 76.

2.

Plowd. 435. 2 *Co.* 76. *Co. Lit.* 353. *Dyer* 279. *Co. Inst.* 2d. 517. *Dyer* 117. 2 *Cro.* 619 3 *Bulst.* 46, 47.

3.

3 *Co.* 86. 50. *Jenk. Cent.* 4 Case 97. *Lit. Bro.* Case 144. 2 *Bulst.* 164. *Bendl.* 30.

4.

3 *Co.* 84, 91. 2 *Cro.* 699.

5.

3 *Cro.* 90. *Dyer* 279. *Plowd.* 435. *Dyer* 48. *Plowd.* 434. 10 *Co.* 50. 3. 50. 9. 141, 149. *Goldsb.* 107. 3 *Co.* 84. *Jenk. Cent.* 6. c. 96. *Cent.* 8. c. 28. 3 *Co.* 91. *Plowd.* 127.

6.

3 *Co.* 91. *Plowd.* 434, 435.

7.

1 *Co.* 76. *Co. Lit.* 372. 10 *Co.* 96.

8.

Co. Lit. 372. 3 *Bulst.* 43. 2 *Bulst.* 45. 3 *Co.* 51.

Never seized by
force of the En-
tail.

Rule.

If a Fine be levied in the Ancestor's Life-time by the Heir to the Tail in possibility, after the Ancestor Tenant in Tail's death, and he die without Issue in the Life-time of the Ancestor, this will not bar the Heir to the Tail, for he was never seized by force of the Entail; But if he survive the Ancestor that the Tail descend upon him, it is otherwise, 1 *Co.* 314.

For the Fine that shall bar (in this Case) the Issue, must be levied by him that had the Estate-Tail once, or to whose Ancestor the Land was entailed, and by whom the Conveyance by descent

Descent ought to be made. 1 Co. 65. And where he needs not mention (in his Conveyance by descent) the Ancestor that levied the Fine; there the Fine shall not bar. 1 Co. 314.

If Tenant in Tail be disseised, and the Disseisor levy a Fine with Proclamations, and the Tenant in Tail suffer five Years to pass without Claim, by this Fine he and his Issues are barred for ever. 9 Co. 105.

But it is a Rule, That Tenant in Tail may Rule, not alien or charge the Land entailed without Fine or Recovery. *Wing. Max.* 413.

But if Lands be conveyed to a Woman in Tail for her Jointure within the Stat. 11 H. 7. 20. and she levy a Fine of them, this will not bar the Issue in Tail. 1 Co. *Inst.* 356, 365. *Wing. Max.* 19, 20.

If the King himself be Tenant in Tail of the Gift of some of his Ancestors as Subjects, he may levy a Fine of this, and bar his Issues; and upon a Grant and Render, he may bar the Estate-Tail, 3 Co. 7. 6. 7. Co. 32. 3 Leon. 76, 77. *Co. Lit.* 372.

And if Tenant in Tail of the Gift of the King levy a Fine or suffer a Common Recovery, albeit this be no Discontinuance, where the reversion is in the King, yet it seems to be a Bar to the Issue. 3 Leon. 76, 77. But yet it is said it is no Bar to the King, nor to the Issues in Tail, but all others it will bar; for these Fines are not intended within, but excepted out of 32 H. 8. cap. 6. *Dyer* 279. *Lit. Bro.* Case 144.

Nor will Fines bar in Cases of Land restrained from Alienation by Act of Parliament.

And it is a Rule, That in case where a Recovery will not bar the Issue in Tail, there a Fine shall not bar them. 1 *Brownl.* 138.

If

Remainder to
the King.

If there be Tenant in Tail the Remainder to the King, and the Tenant in Tail levy a Fine with Proclamations; in this Case the Issue is barred notwithstanding the Statute 34 H. 8. as is conceived. *Moor*, 115. *Case* 258.

Reversion in
the Crown.

If there be Tenant in Tail of the Crown, the Reversion in the Crown, and the Tenant in Tail is disseised, the Disseisor doth levy a Fine with Proclamations, and five years pass, by this the Tenant in Tail himself is barred, but not the Issue, by 32 H. 8. & 34 H. 8. *Moor* 467. *Case* 665. See *Cro.* last pub. 595.

No Bar but
where Tenant
in Tail is Cog-
nisor.

No Fine levied by Tenant in Tail will bar his Issue, but where the Tenant in Tail is Cognisor. *Dyer* 269. See *first Part*, 118.

Remitter.

The Issue in Tail is perpetually barr'd by the Fine of the Tenant in Tail with Proclamations; notwithstanding that the Discontinuee is disseised by the Father, the Issue may claim within the time of the Proclamations. And no Remitter shall be after a Fine with Proclamations. *Moor* 114. *Case* 256.

Issue in Tail
bar'd though
Tenant in Tail
be no Cognisor.

A Fine may be a Bar to an Issue in Tail, albeit he be not Tenant in Tail at the time, if he be but a Person to whom the Land is entailed. 3 *Cro.* 610.

Forfeiture and
no Bar.

If Tenant for Life, the Remainder in Fee, accept a Fine *come ceo*, &c. This, albeit it be a Forfeiture, yet is no Bar to the Remainder. 9 *Co.* 104.

Where a Fine shall be a Bar as to one Person and not to another, and as to one part of the Land and not to another. See 9 *Co.* 140, 142, 106. 10 *Co.* 95. *Moor Case* 90, 256, 258. *Leon.* 115, 116. *Moor Rep.* 665,

Ancient De-
mesne and o-
ther Lands to-
gether.

If one levy a Fine of Lands in Ancient Demesne and of other Lands together; this Fine, as to the Ancient Demesne Lands, is no Bar; but

but as to the other, it may. 7 H. 4. 44. *F. N. B.*
98. 1 *Cro.* last pub. 469.

But in Cases where Fines are defective for the Fine defective,
no Bar. disability of the Person of the Conusor, or of his Estate, or because it is not duly levied for the Manner or Order: In such Cases the Fine will be no Bar at all; nor will there be need of any Entry or Claim to avoid it.

See more for the Bar of a Fine, 1 *Leon.* 396.
2 *Cro.* 689. *Bendl.* 74, 75, 174, 178, 179. *Leon.*
110. *Jenk. Cent.* 4. c. 97. *Latch* 64. *Moor, Case*
679.

If there be a Repugnancy in a Fine, the first Repugnancy. part shall stand, and the last shall be left out.
Jenk Cent. 2. *Case* 96. *Cent.* 6. *Case* 50.

The Claim that is now to be made to avoid Claim, what. the Bar of a Fine, must be by Action or Entry.
See 3 *Cro.* 561. See after.

Of the Use of a Fine.

IF there be a precedent Agreement for the The Uses of a
Fine. levying of a Fine to Uses, and after a Fine is accordingly had, it shall be to those Uses and none other; and this Agreement shall guide the Uses.

Uses may be declared or averred on a Fine, Uses by Word
or Parol. but not a Bargain and Sale of Land. And the Use of a Fine may be declared by Word without any Deed; and if there be such a Declaration by Parol made to lead the Use of a Fine, and it be defective to declare the intent of the Parties; it may afterwards be supplied and made good by subsequent Parols, Subsequent
Parols. *Style's Reg.* 148. *Quære.* And upon a Covenant of Uses no other Use may be declared or averred, but what is contained in the Deed. 1 *Co.* 175. *Dyer* 169.
That

Use doth follow
the Ownership.

That upon a Fine every one may declare and dispose the Use of the Land according to the Estate that he hath in it; For the Use doth follow the Ownership of the Land, as the Shadow doth follow the Body. 2 Co. 57.

Uses declared
by Husband
and Wife.

Concerning the Declaration of Uses by Husband and Wife, see 2 Co. 57. *Dyer* 290. *Moor Rep.* 196. c. 347. 2 Co. 56.

Use declared
by Infant.

If an Infant or *Man de non sana memoria* shall declare the Use of a Fine levied by him; this Declaration is good so long as the Fine shall continue in force. 2 Co. 57 *Hughes Abridg. pa.* 802. cap. 4.

Declaration, by
Deed indented.

The Declaration of the Uses of a Fine may be either by Deed indented (which is the most usual and safe way) or by Deed-Poll. 2 Co. 73. 5.

Declaration
when to be
made.

This Declaration by Word or Writing may be made before, at, or after the time of the levying of a Fine: For an Indenture subsequent may direct and declare the Uses of a Fine precedent; but what diversity is observed therein: See 2 Co. 69. 6. 27, 63. 7. 40. 9. 8.

Averment of
Uses.

That no Averment of Uses by proof of Witnesses shall be admitted against an Use expressed in a Fine: But in Case where no Use is expressed in a Fine, there other Uses than what the Law will make upon the Fine may be averred, and proved to be agreed upon, and the Fine shall be to the Uses. 5 Co. 26. 9. 8. 2. 57. See after.

Uses agreed
and not agreed.

That where the Uses of a Fine are agreed, there it must go to the Uses agreed upon; but where no Uses are agreed upon, but only that it is agreed a Fine shall be levied, and not said to what Use, or a Fine is levied, there the Law appoints the Use according to Conscience. 2 Co.

37, 38. *Dyer* 18. *Co. Lit.* 271. *Moor* 472, 473, 842, 843.

That more Acres of Land do not pass by a Fine than the Fine doth name, albeit the Indenture to lead the Use of it do speak of more Acres. For the Fine is the Foundation of the Estate, and the Estate riseth out of it. *Jenk. Cent. 6. Case 45.*

No more Acres pass than intended.

If the Conusee of a Fine levied of Land do pay Money to the Conusor of the Fine at the time of the Fine levied, and there be no Use declared, nor is it set forth to what Use it shall be: In this Case the Law will construe the Fine to be levied of these Lands to the Use of the Conusee to whom the Fine is levied.

Money paid, Use to the Conusee.

But if there be no Money paid by the Cognisee, nor any Use declared, it shall be to the Use of the Cognisor who levied the Fine: For nothing appears whereby it can be supposed that the Parties had any Intention the Estate in the Lands should be altered by the Fine; but that the Fine was levied in Corroboration of the Title of the Cognisor. *Bendl. 134, 135. Style's Pract. Reg. 147.*

No Money paid, Use of the Cognisor.

That the Uses of a Fine may be levied without in the Fine it self without any Indenture. *Hutt. 112.*

Use levied in the Fine it self.

That a Use may be averred without a Deed upon a Fine *sur Render*; for the Deed is but to shew the Intent of the Parties, which may appear as well without as by Deed. *Poph. 105.*

Use averred without Deed.

That a general Covenant shall direct the special Uses of a Fine, and the special Operation thereof, according to the Intent of the Parties. *1 Bulst. 256.*

General Covenant.

The Render of a Fine may not be alledged to any other Use than what is expressed upon the Fine without a Writing to shew for it. *Poph. 104, 105. 3 Bulst. 318, 319.*

Render to no other Use, &c.

A

Several Affu-
rances, one
Conveyance.

A Bargain and Sale, Fine and Recovery made at several times to one purpose, shall be esteemed but as one Conveyance. *Bendl. Rep.* 101.

Where a Fine may be avoided, and how.

A Fine may be avoided for good cause in many Cases: as,

1. By the Death of all or some of the Parties before it be finished.
2. By some Error escaped in the suing of it out, and prosecution of it.
3. By some Fraud, Deceit or Covin that hath been used in it.

And so it is sometimes avoidable by a Writ of Deceit; sometimes by a Writ of Error; and sometimes by Pleading only.

Fine avoided
by death.

King's Silver
paid and en-
tered

If either of the Parties Cognizors die after the Cognizance or Concord, and before the King's Silver be entered, this will avoid the Fine, and it cannot be made good: But if the King's Silver be entered in Paper or upon the Back of the Writ of Covenant (as the Use is) and the Party die after this; the Fine by this shall not be avoided, but may be finished: See 1 *Cro. last pub.* 469. *Dyer* 320, 220, 246. 5 *Co.* 39. *Co. Lit.* 9. *Co. Inst.* 3. 511. *First Part* 124. See more, *Dyer* 89. *Hob.* 330, 403, 404.

Writ of Cove-
nant and *Dedi-*
mus Potestatem
antedated.

Where the Cognisor dies after the Cognizance made, the Writ of Covenant and *Dedimus Potestatem* being antedated, and the King's Silver paid, the Fine will be a good Fine. *Jenk. Cent.* 4. c. 28. 7. c. 3.

Demise of the
King.

It is held also, that if a Judge take the Cognizance of a Fine, and before it be certified, the King demise, and the Judge have notice of this; that now the Fine cannot be certified, for his

Patent
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Patent

Patent is at an end: And there seems to be the same reason for Commissioners to take a Cognizance by *Dedimus Potestatem*. *Jenk. Cent.* 4. c. 28.

Note, that where any Fine is levied, it shall be said to be all that Term wherein it is levied *Fine in pectore-judicis*. *in pectore Judicis* to amend it for Error, as the Judges see cause. *Latch, Rep.* 180.

Fine avoided by Error.

NO Error, but such as is notorious, shall avoid a Fine; for in this the Rule is, *Con- Notorious Er- sens tollit Errorem*. An Infant may avoid a Fine by a Writ of Error during his Minority, but not afterwards. *2 Co.* 230. *Dyer* 201.

If there want an Original, or if there be a Writ, and that doth bear *Teste* after the *Dedimus Potestatem*, or the *Dedimus potestatem* be to two, and one alone taketh it; this, it is said, is Error, for which the Fine may be reversed; but for the *Teste* of the Writ of Covenant after the *Dedimus potestatem*, this is amendable. *Latch Rep.* 186.

But no Error may be alledged to reverse a Fine, where the Error is contrary to the Record or Certificate of the Justices; as to say, The Commissioner was not a Knight when the *Dedimus potestatem* saith he was. *Jenk. Cent.* 6. c. 53. *Dyer* 89. *2 Cro.* 11. *Relv.* 33. *Hugh.* 940. *Case* 9. 646. 16, 17, 18.

One may bar himself of this Writ of Error, by a Feoffment of the Land, or a Release of his Right to the Land. or by a Recovery, or by a Fine and five years past. *1 Cro. last pub.* 69. 2 c. 77. 1. 77. *2 Co. Inst.* 518. *2 Cro.* 332. *2 Leon.* 263. *Error barred and how.*

And by making of a Lease for Years, he may suspend it. *Owen Rep.* 21. *Style's Rep.* 246, 252. 1 *Cro. last. pub.* 469. *Goldsb.* 181.

Lands in divers Counties.

If the Lands lie in divers Counties, and there be not several Writs of Covenant for every County, this will be Error. *Dyer* 225, 15 Ed. 4. 13.

Repugnancy. Error in proceed of Proclamations.

Note, For Repugnancy see 5 *Co. Tey's Case*. Where Error is in the Proceed of the Proclamations only; there they only shall be reversed, and the rest of the Fine shall stand good at Common Law. *Hughes* 938. c. 2, 3, 4.

Variance.

That Variance in the Persons in the Render, or of the Estates of Lands, except it be very gross, will not make it void. *Hughes* 939. c. 9 946. c. 10.

Good Fine.

Where a Fine is good or not, see *Hughes Abridgment of Fines* par. 1, 2, 3. See *West. Symb.* part 2.

Who is to bring the Writ of Error, see *Leon.* 317, 115. 2 *Cro.* 11. 90, 392. *Dyer* 201, 89, 49, 321. 2 *Leon.* 139. *Owen* 21.

Error in a Fine may not be alledged contrary to the Record it self. *Yelv.* 34. See before.

Fraud, Deceit and Covin.

Fine avoided by reason of Fraud, Deceit or Covin.

Notorious Fraud.

If a Fine be gotten or obtained by any notorious Fraud or Practice; it may in some Cases be avoided by a *Vacat*; See 1 *Cro. last pub.* 518. 531, 471. *Moor c.* 21. *Plowd.* 370.

By Lessee or Copyholder.

If a Lessee for Life or Years, or a Copyholder, levy a Fine of Covin of purpose to bar him in Reversion, or the Lord of his Inheritance; this may be avoided for Fraud. 9 *Co.* 105. 3 *Co.* 78.

And as a fraudulent Deed or Conveyance may be avoided for Fraud; so a Fine may be avoided.

So also it seems the Law is of a Fine suffer'd ^{Usurious Con-} in pursuit of an usurious Contract. 3 Co. 18, ^{tract.}
80. 16 H. 7. 5. Jenk. Cent. 6. c. 45. Stat.
13 El. & 27 Eliz. 3 Co. 45. Style 288.

A Fine levied to deceive a Purchaser or ^{To deceive a} Creditor may be void, or be voidable. See ^{Purchaser.}
3 Co. 79.

But if one shall pretend Title to Land, and ^{Pretence of} enter and disseise the Tenant, and after levy ^{Title.} a Fine with intent to bar the Disseisee; this is good. And if the Disseisee shall not enter or claim within the five Years, he is barred.
3 Co. 79.

If there be Tenant for Life, the Remainder ^{How to be a} for Life, the Remainder in Fee; and the first ^{voided by} Tenant for Life alien, and the Alienee levy a ^{Claim.} Fine with Proclamations, and the second Tenant for Life claim, &c. This doth make void the Fine, not only against him, but against him in Remainder also.

And it is a Rule, That any one that hath an ^{Rule.} Estate in Possession or Reversion, which will be barred by the Fine when 'tis levied, may make a Claim or Entry to prevent the Bar of the Fine.

And by Authority also any other Man may ^{Claim, &c. by} make a Claim, Entry, &c. in this Case, for ^{Authority.} him that hath Right. See Moor 457.

The avoiding of a Fine by one defeats it ^{All Rights set} against all, altho' their Right were bound be- ^{at large.} fore by their Non-claim, which sets at large all other Rights above them. 16 Ed. 2. Plowd. 358. Stowel's Case.

Deceit by one
of the same
Name.

Fine levied by one of the same Name of the other's Lands, may be avoided by Deceit or Pleading. 34 H. 6. 19. Lit. Bro. c. 215.

Pleas to a Fine.

Per Dures.

THE Plea of *per Dures*, or Imprisonment, will not, it is said, be admitted. 17 E. 3. 52. 17 Aff. 17.

Partes Finis nihil habuerunt.

The Plea, *Partes Finis nihil habuerunt tempore levationis Finis*, is given only to Estrangers to the Fine; but from Parties and Privies it is taken away. Where this Plea is good or not, see *Hughes* 940. and *Moor* 251. The Issue in Tail may not have this Plea, unless to avoid a Fine *sur Release* only. 3 Co. 141. *Dyer* 334.

Continuance
of Possession.

Issue in Tail may aver Continuance of Possession against a Fine *sur Cognissance de droit tantum*, or Surrender: See 12 Ed. 4. 12, 15. 11 H. 4. 85. But not against *sur Cognissance de droit come ceo que il ad de son done*.

For Pleas to avoid a Fine. See *Owen's Rep.* 21. & *Stat.* 27 Ed. 1. c. 1.

How a Fine is to be pleaded. See *Leon.* 386, 986. *West Symb.* 2d Part. 3 Cro. 903, 917.

If a Fine or Recovery be levied or suffered of Covin by a Lessee for Years or Lessee for Life, or a Copyholder, of Purpose and with Intent to bar him in Reversion, or a Lord of his Inheritance; this is of no Force, and therefore Non-claim within five Years shall not hurt in this Case. 3 Co. 78. 8. 105.

Note, That it is Felony without Benefit of Clergy, without Corruption of Blood, or Loss of Dower, to acknowledge, or procure to be acknowledged,

know-

knowledge any Fine, Recovery, &c. in the Name of any Person not privy or consenting thereunto: But this not to extend to a Judgment acknowledged by Attorney of Record for another, by 21 Jac. c. 6.

As to the Execution of a Fine.

NOTE, That a Fine is either executed by a Writ of *Habere facias seisinam*, which is *Habere facias seisinam*. a Writ to the Sheriff to put the Cognisee or his Heirs in Possession; and this must be sued forth within a Year after the Fine sued forth, or after Judgment upon a *Scire facias*: Or else *Scire facias*. he must have a Writ of *Scire facias*, which is to be sued forth after a Year and Day after the Fine is levied, and thereby the Sheriff is to warn the Tenant to appear and shew Cause, if he can, why the Cognisee or his Heirs should not have Execution: At the Return whereof, if the Tenant appear and can shew no Cause to the contrary, the Plaintiff shall have an *Habere facias seisinam* *Habere facias seisinam*. to the Sheriff, to put him or his Heirs in Possession. Or the Cognisee, where the Fine is *sur Cognissance de droit come ceo que il ad de son done*, may obtain the actual Possession of the Land contain'd in the Fine by an Entry: *Entry*. For in this Case of a Fine executed, if the Cognisor be still in Possession of the Land whereof the Fine is levied, the Cognisee may without any Writ of *Habere facias seisinam* *Fine executed*. enter upon him, and so get the Seisin and Possession of the Land. And note, That if a Fine be levied to Husband and Wife in Special Tail, the Remainder to the Heirs of the Body of the Husband, and the Wife dieth

without Issue, the Remainder is executed in Possession in the Husband; for the Estate-tail meeteth with the Fee-simple, and it is drowned. 41 Ed. 3, 14. 14 Ed. 3, 5. 7 H. 4, 23. West. Symb. Part 2.

Attornment, &c.

Attornment,
where neces-
sary.

AND note, That a Fine of a Reversion ought not to be ingrossed until the Tenant for Term of Life attorn; for until Attornment he is dispunishable of Waste; neither can the Cognisee avow upon him for the Rent behind before Attornment. 22 H. 6. fol. 13. Plowd. 431.

How to be en-
forced.
Quid juris
clamat.

And the Cognisee may compel such Tenant for Life to attorn by *Quid juris clamat*, a judicial Writ issuing out of the Record of the Fine which lieth in the *Custos Brevium's* Hand, and lieth for the Grantee of a Reversion, or Remainder, to force the particular Tenant to attorn.

Quem redditum
reddit.

Or a *Quem redditum reddit*, a judicial Writ, issuing out of the Note of a Fine, against the Tenant of the Land, to compel him to attorn upon the Grant of Rent-seck, or Rent-charge, out of the Land.

Per que Servi-
tia.

Or a *Per que Servitia*, a judicial Writ issuing from the Note of a Fine, and lieth for the Cognisor of a Manor, Seignior, Chief Rent, or other Services, to compel him that is Tenant of the Land at the Time of the Note of the Fine levied to attorn unto him. And this must always be sued forth upon the Note of the Fine made by the Chirographer, and before it be ingrossed by him; for

for after the ingrossing it cannot be had. F.N.B.
fol. 47. a. b.

These last Things are largely and learnedly
treated of by Mr. *West*, in his second Part of
Symb. to which, for your further Information,
I refer you.

N 3

THE

THE INTRODUCTION

To, and Definition of,

RECOVERIES.

Recovery de-
fined.

Recoveries are } As Common Recoveries,
either feign'd, }
or } That is, actual by Judgment.
True; }

True Recove-
ry.

A true Recovery is an actual or real Reco-
very of any Thing, or the Value thereof by
Judgment ; as if a Man buy Land of another
with Warranty, and this Land is afterwards re-
covered by a third Person ; The Buyer hath
Remedy against the Seller to recover it in Va-
lue ; That is, to recover so much Money as the
Land is worth. *Fitz. N. B. fol. 134.*

Common Re-
covery.

But the Common Recovery (which is here
purposed to be treated of) is *Fictio Juris*, a
feigned formal Thing, by consent, and is used,
where a Man is desirous to cut off an Estate-
Tail, &c. in Lands or Tenements, to the
End to sell, give, or bequeath it as he think-
eth meet, for the Assurance of them that shall
after have the Land.

Common Re-
coveries when
first invented.

These Common Recoveries, as also Fines,
are said to be first invented when Entails fell
out to be inconvenient : For the opening
whereof you may observe, That before the
Statute *de Donis Conditionalibus*, *Westm. 2. cap. 1.*
Feoffees

Tfeoffees after they had Issue, had Power to alien and disinherit the Issue, contrary to the Mind of the Donors. And by this Statute in *Edward* the First's Time, the Inheritance was made so strong, as that the Tenants in Tail could not put away the Land from the Heir by any Act of Conveyance or Attainder, nor let it, or any Way charge or incumber it longer than for his own Life. 13 E. 1. 1.

But from this Statute there arose many Inconveniences, for by this Means the Lands were made so sure to the Heir, as that the Father could not put it from him, and hereupon the Son oftentimes proved disobedient, negligent, wasteful, &c. knowing he could not be disinherited; and many Times the Owners themselves of such entailed Lands were less fearful to commit Felonies, Murders, Man slaughters and Treasons, for that they knew that none of these Acts could hurt the Inheritance of their Heir. From the Inconveniency of Entails.

Again, such as had entailed Lands could make little or no Profit of them; for none would give a Fine of any Value upon such an uncertain Estate, as that of the Owner's Life only, neither would they much improve the Lands for the same Reason, with many other Inconveniences.

For the Remedy whereof several later Statutes were made, as 4 H. 7. 24. 32 H. 8. 36. Remedy against Entails by several Statutes. Whereby a Tenant in Tail may disinherit his Son by Fine and Proclamation. 26 H. 8. 13. Tenant in Tail doth forfeit his Land for Treason; and 32 H. 8. he may make Leases for 21 Years, or 3 Lives, &c. by 33 H. 8. entailed Lands are liable by Extent for the King's Debt, and by 13 Eliz. 4. they are saleable for his Arrearages upon his Account for his Office. Also

Remedy by
Common Re-
coveries.
7 H. 8, 4.
21 H. 8, 15.
Common Re-
coveries be-
come the grea-
test Assurances.

Also for the Remedy of those inconveni-
cies of entailed Lands, these Common Reco-
veries were first invented, and Men began to
cut off Entails by such Means as they could
find Law for it; and now by Use these Reco-
veries are become common Assurances against
Entails, and against Remainders and Rever-
sions, and are the greatest Assurances that
Purchasers have for their Money, being
grounded upon the strictest Principles of the
Law, tho' by Consent; for a Fine will bar the
Heirs in Tail, but not the Remainders or Re-
versions; but these Recoveries bar them all.
1 Co. 22, 62.

The End and
Effect of Com-
mon Recove-
ries.

Mr. *West*, in his *Symbol. part 2. sect. 1.* saith,
That the End and Effect of a Common Reco-
very is to discontinue, and destroy Estates,
Remainders and Reversions, and to bar the
former Owners thereof.

The Form of a
Common Re-
covery with
single Voucher.

They are therefore mostly used for Assurances
of Land, in the Form whereof the Parties do
agree, that one, who is call'd the Demandant,
shall bring an Action Real, (as if he had good
Right) against the Tenant of the Freehold of
the Lands, as though he had no Right of En-
try to the same; but after a Disseisin, which
* *Hugh Hunt* had unjustly made to the Deman-
dant, &c. and hereupon the Tenant calls to
warrant to him the Lands † *Edmund Clent* (or
the common Vouchee) which Vouchee is sup-
posed to appear in Court, and warrant the
Lands to the Tenant (or Defendant) where-
upon the Plaintiff or Demandant claims the
Lands against the Common Vouchee, who is
supposed to appear and defend his Right, and
pleads, That *Hugh* did not disseise the
Plaintiff or Demandant, as by his Declaration
he supposes, and puts himself upon the Coun-
try

* The common
Name for the
supposed Dis-
seisor.

† The common
Name of the
common Vou-
chee.

Plea:

try to try it; whereupon the Demandant prays a Day to imparle, or speak to the Plea, Imparlance. and a Day being given, the Demandant is suppos'd to come again into Court in proper Person, and the Common Vouchee then is supposed to make Default, and withdraw in Default. Contempt of the Court, and thereupon Judgment is given, that the Demandant shall recover in Value against the Common Vouchee, &c. And so by this Device, grounded upon the strict Principles of the Law, the Tenant loseth the Land, and hath nothing for it; but it is by his own Agreement, and for the Assurance of him that buys the Land, &c.

And so it is if it be with double or treble Vouchers; as in double, the Tenant calleth to Warranty the first * Vouchee, who warranteth, and calleth the second or Common Vouchee, who pleads to the Country, and after Imparlance and Return of the Demandant, makes Default, and then Judgment for the Demandant against the Tenant, for the Tenant to recover in Value of the first Vouchee, and the first to recover in Value of the second or Common Vouchee; and it is in the like Manner with treble Voucher, &c. as you may observe in the Pleadings hereafter set down.

* Note, he is called a Vouchee in respect that he is called by the Tenant; and he is called Voucher in respect that he calleth over a second Vouchee, &c.

But these Pleadings are grounded upon a Writ, called *a Writ of Entre in le post*, in which, and besides which, there are many Things of Nicety and Exactness, before we come to the Pleadings on the Roll, which observe as followeth:

Observa-

Observations on Common Recoveries.

IN every Recovery four Things are principally to be observed,

1. The Demandant, who is Plaintiff in the Writ of Entry, and properly called the Recoveror.

2. The Tenant of the Land, who is Defendant to the Writ of Entry, against whom the Land is to be recover'd, and therefore properly called the Recoveree.

3. The Vouchee being the Person whom the Tenant calls to warrant to him the Lands demanded, (as you may observe in the Introduction.)

4. The Land it self, which is to be recovered, and which must be carefully and regularly placed, (as you may observe by the Directions following.)

How the Writ of Entry must be brought.

* See a Lease and Release at the End of this Book.

If it be by Fine, you make him Cognisee to the Fine, who is to be Tenant in the Recovery, and he must vouch the Tenant in Tail; and in such Case the Writ of Covenant for the Fine must bear Teste, and be returnable before the Writ of Entry.

Note, If a Recovery be intended with single Voucher, the *Præcipe* must be brought against the Tenant in Tail in Possession, and he to vouch the Common Vouchee. But if your Recovery be intended with a double Voucher, you must either by Fine, Feoffment, Bargain and Sale inrolled, * or Lease and Release, make him, (you intend to be) Tenant at the Time of the Writ of Entry brought; for every Writ of Entry must always be brought against him that must be a perfect Tenant of the Freehold of the Land demanded at the Return of the Writ. 18 R. 2. and *Dyer*, fol. 252. pl. 98. because the Estate of the Tenant in Tail (who is the first Vouchee) is barr'd in respect of the supposed Recompence adjudg'd over-against the

the Common Vouchee; for in strict Law the Recompence adjudged over is to go in Succession of the Estate, as the Land lost should have done; and then it were not Reason to allow the Heir Liberty to keep the Land, and also to have a Recompence in Value, therefore he loseth the Land, and is to trust to the Recompence. *Dyer 252. 3 Co. 6. 1 Co. 42.* But in a feigned Recovery the Recompence is but imaginary, and no such Thing really in the Case.

Note also, That if a Tenant have but an Estate for Life, or be Tenant in Dower, or by the Courtesy of *England*, it is requisite for the Strengthening of a Recovery, and saving his Estate, that he make a conditional Surrender of his Estate to him in the Reversion or Remainder, to the End he may be a present Tenant of the Inheritance, and then to bring the Writ of Entry against him; and after that the Recovery is executed, the particular Tenant, for Breach of the Condition, may enter and enjoy his Term notwithstanding such Surrender. See the Form of the Surrender at the End of this Book.

Surrender to him in Reversion.

The Effect of a Recovery, as is said before in the Preamble, is to bar Entails, and all Remainders and Reversions that should take Place after Entails; and they are most usually suffered either with a single Voucher, double Voucher, or treble Voucher, and sometimes with a quadruple Voucher, as you may observe amongst the Precedents following.

The Use of Vouchers.

The Intent of a Common Recovery with a single Voucher, is to bar the Tenant and his Heirs of such only Estate-Tail which then is in him, to destroy the Estates which others have of any Reversion expectant, or Remainder dependant

The Intent of a Recovery with single Voucher.

dant upon the same; and of all Leases and Incumbrances derived out of such Reversions or Remainders.

But *note*, where the King is the Giver of an Estate-Tail, and keepeth the Reversion in himself, it is said such Recovery against the Tenant in Tail will not bar the Issue in Tail of his Entry, nor discontinue his Estate, nor pluck such Reversion or Remainder out of his Majesty. 28 H. 8. b. 34 H. 8. cap. 20. Dyer, fol. 132.

Intent of Recovery with double Voucher.

By a Recovery with double Voucher, it is intended to bar the first Voucher and his Heirs of every such Estate as at any Time was in him, or any of his Ancestors, whose Heir he is, of such Estate; and all other Persons of such Right to a Reversion or Remainder as was thereupon at any Time expectant or dependant, and of all Leases, Charges and Incumbrances, derived out of any such Reversion or Remainder, and will be also a perpetual Bar of such Estate whereof the Tenant was then seized in Reversion or Remainder, expectant or dependant upon the same.

Intent of Recovery with treble Voucher.

The Intent of a Recovery with a treble Voucher is to make a perpetual Bar of the Estates of the Tenant, and of every such Estate of Inheritance as at any Time had been in the first or second Vouchee, or any of them, or either of their Ancestors, whose Heirs he or they are of such Estate, and as well of every Reversion thereupon dependant; as also of all Leases, Charges and Incumbrances deriv'd out of such Reversion or Remainder.

Observanda.

From the whole observe, That a Recovery with single Voucher, bars only such Estate as the Tenant hath in Possession at the Recovery, and the Dependences thereon; As if Lands be

be given to *A.* in Tail, the Remainder to the right Heirs of *B.* (*B.* being then living) and the Writ of Entry is brought against the Tenant in Tail, and he doth vouch over the Common Vouchee; this is a good Recovery and Bar to the Estate-Tail and Remainder also. 1 Co. 135. 3 Co. 59. But if the Tenant in Tail be not in Possession, or be in of another Estate by Disseisin or Conveyance, &c. As if Tenant in Tail be disseised, and then suffer a Recovery with single Voucher; or the Disseisor make a new Estate to the Tenant in Tail, and then the Tenant in Tail doth suffer a Recovery with single Voucher; or if the Tenant in Tail make a Feoffment in Fee of Land, and then take back a new Estate to himself from the Discontinuee in Tail or in Fee, and then doth suffer a Common Recovery with single Voucher; by this, the Estate in these last Cases is not barred.

But by a Recovery with double Voucher, in these Cases the Estate-Tail is barred, and all Interests, Estates and Titles that the Vouchee hath at the Time of the Entry into the Warranty. And therefore as in Cases where the Tenant in Tail doth levy a Fine, make a Feoffment, or bargain and sell the Land by Deed indented and inrolled, and the Writ is brought against the Cognisee, Feoffee, or Bargainee, and he doth vouch the Tenant in Tail, who doth vouch the Common Vouchee; this doth bar the Estate-Tail, and the Remainders and Reversions thereupon. So if in these Cases the Conusee, Feoffee or Bargainee doth make a new Estate to the Conusor, Feoffor or Bargainor, or he disseise the Conusee, Feoffee or Bargainee, and then levy a Fine, make a Feoffment, and bargain and sell to another against whom the Writ of

of Entry is brought, and he vouch the Tenant in Tail, and he vouch the Common Vouchee; by this Recovery the first and second Estate-Tail, and all the Remainders and Reversions depending thereupon are barr'd. 1 Co. 135.

3 Co. 59. 12 E. 4. 19. 10 Co. 45.

Note, In that called a single Recovery, you will find two Recoveries included: The first by the Demandant against the Tenant, and the second by the Tenant against the Common Vouchee.

2. In that with a double Voucher you will find three Recoveries included, one for the Demandant against the Tenant. 2d. For the Tenant against the Voucher. The last for that Voucher against the second or common Vouchee.

3. Also in a Recovery with treble Voucher are included four Recoveries. First by the Demandant against the Tenant. 2d. by the Tenant against the first Voucher (otherwise called Vouchee.) the third by the first against the second, and the fourth by the second against the Common Vouchee.

Thus much shall suffice to shew the Ground and Effect of these Common Recoveries. Next we proceed to the Rule for placing Particulars, and suing forth the Writs of Entry.

Præcipe.

You must first draw your *Præcipe* in Paper, which is for the Curfitor's Instructions, whereby to make out the Writ of Entry; and in this *Præcipe* the Lands must be exactly set down and plac'd in order according to the Rules following.

Note, It is called a *Præcipe quod reddat*, therefore first we will see of what Things a *Præcipe quod reddat*, or Writ of Entry lieth, and of what not.

*Of what Things a Writ of Entry lieth,
and by what Names.*

Precipe qđ reddat lieth de una Acra Terre
Aqua cooperta vel Acra Terre. 12 H. 7.
1. 4. de * Surgite. 10 E. 3. & 14 E. 3. 842. * A Water-
F.N.B. fol. 191. Et de Passagio ultra Aquam Pit.
F.N.B. 191. de Balliva. 34. Ed. 4. 423. de
Officio. 27 H. 8. 12. De Advocatione Eccle-
sie, aut de quarta parte Decimarum. 34 E. 3.
de Portione Decimarum. Dyer, fol. 84. pl. 83.
de quadam parcel Terre. Dyer 84. pl. 83.
de custod Terre & hered sive de custod Terre.
Reg. 161. 22 Ed. 3. fol. 29.

Precipe quod reddat lieth of all Manner These are ac-
of Ecclesiastical or Spiritual Profits, as de Re- cording to
ctoria Vicaria Portionibus pensionibus De Mr. West's
timis, &c. per Stat. 32 H. 8. c. 7. de omnibus Symb. part 3.
& omnimodis Decimis majoribus mixtis & sect. 2 & 3.
minutis infra Willam sive Hamlet de W. in
Paroch de A. quoquomodo crescent contingent
ac annuatim renovan', &c. Thel. lib. 8. cap. 9.
sect. 2. de quarta parte Decimarum & Obla-
tionum Ecclesie Sancti P. &c. 16 Ed. 3.
de quadam Portione Decimarum, or Terre,
not shewing how much. 1 H. 4. fol. 1. Dyer,
fol. 84. pl. 83, 84, 85, & 86. In old Time, de
hida Terre; per Glanvil, de caruca Terre.
4 Ed. 3. 161. de bovaf Terre. 6 Ed. 3. 991.
de sex pedibus Terre in longitudine & quatuor
in latitudine. 14 Ass. 13.

Aprecipe quod reddat lieth de tofto & situ
Polendini, 14 Ed. 3. de Hundredo de C. &
Ballivato de W. 34 E. 1. 3 E. 3. de Pastur
ad sex Bobes. 3 Ed. 3, 23. 4 E. 2. de Roda
Terre

Terre. 3 E. 5. de Advocacione. 34 E. 1. de quadam portione Terre. 11 H. 4. fol. 40. 5 H. 7. fol. 9. de Medietat unius Rode Terre. 41 E. 3. de Shopa. Reg. fol. 3. de quatuor Act Alnet. 11 Aff. 13. de Turbar by the Name of More. 8 E. 3. fol. 387. and it lieth in a Town and not in an Hamlet. 8 E. 3. fol. 55. 7 E. 3. 9.

Of what Things a Writ of Entry lieth not.

* Not of a Ditch, nor of a Pool.

† A Wain-Land.

* A Selon or Ridge of Land.

A Precipe quod reddat lieth not de * Fofato, nec de Stagno, nec de piscaria. 8 E. 3. 381. nec de Advocacione Decimarum unius † carucat Terre. Reg. fol. 29. nec de Communia pasture. 27 H. 8. fol. 12. de Coforveris. 2 Ed. 3. de homagio & fidelitat nec de servitiis faciendis. 6 E. 2.

It lieth not de Bobat Marisci. 13 E. 3. fol. 3. de feloniam Terre. Ed. 1. for the Incertainty, because a Selon is a Parcel of Land sometimes containing an Acre, sometimes more, and sometimes less.

It lieth not of a Garden, Cottage or Croft, 14 Aff. 13. 8 H. 8. 3. 22 E. 4. 13. de virgata Terre. 41. 43. 13 E. 3. de Fodina, de Pisonera, de Mercatu. 13 E. 3. For they lie not in Demesne, but in Gain, nec de superiori Camera. 3 H. 6. fol. 1.

It lieth not of an Annuity, nor of a Tenement, but it must be of Houses and a certain Quantity of Acres. *Moor Rep.* 953.

According to West's Symb. part 2. sect. 1. & 2.

A Writ of Entry ought not to contain one and the same Thing twice, as a Messuage and an House, Parcel of the same Messuage. 3 Ed. 4. fol. 28. 46 E. 3. 26. Nor to name a Town and

an Hamlet within the same Town. 22 E. 3. 14. 41 E. 3. f. 22. But the Practice is now otherwise as to this, and some other of the Things before mentioned, as you may observe before, that a *præcipe quod reddat* is said not to lie de piscaria, Estoveris, de Gardino, nec de Communia pasture; but the Use is otherwise, as you will see by the Recoveries in this Treatise; and though it may be meant that a *Præcipe* lies not of one of those Things singly alone, as of a Common; yet being joined and expressed with other Things, it may well lie, and is every Day's Practice.

We should shew something of the Persons as may be allowed to suffer Recoveries, but it shall suffice to say, That such Persons, and by such Names, may be Demandants, Tenants and Vouchees in Recoveries as may be Cognizors and Cognizees in Fines. Co. Lit. 372. See in the Treatise of Fines.

Rules to be observed in placing Particulars in a Writ of Entry.

THE more worthy Things must be placed before the Things less worthy, as Castle must be set before a Manor, a Manor before a Messuage, a Messuage before a Toft or Mill, &c.

2. Things General must be put before Things Special, as Land being the General or Genus to Meadow, Pasture, &c. is placed before Meadow, &c.

3. Entire or whole Things are to be put before Parts, as one Messuage and the Moiety of one Messuage, &c.

For the more orderly and formal placing of the Particulars in a Writ, observe this Method.
 Maneria de B. & S. cum pertinent ac duo
 Mesuagia unam Shopam unum Tosum u-
 num Molendinum unum Columbarium duo
 * Gardina vigint acras Terre decem acras
 Prati quinque acras Pastur sex acras Fosci
 centum acras Jampnozium & Bruere centum
 acras Poze centum acras Juncarie decem acras
 Marisci decem acr' Alneti decem acr' Kuls-
 carie quinque acr' Terr' aqua coopert' vigint
 Librat' duos Solidat' unum Denar' unum
 Oblat' & unam Quadrantat' reddit' & reddit'
 unius par' Calcar' deaurat' decem Caponum
 duorum Gallozum duarum Gallinarum quin-
 que Librat' Piperis trium Clabozum Carioz
 phili & unam Libr' Cumini Common' pastur'
 p' omnios Averis Wils Franc' pleg' Libram
 Warren' Libram Piscariam Libertat' faldas-
 gii acetiam Rundinas & Mercat' Theolonium
 Stallag' & Picag' Catalla Felon' Fugitivozum
 Utlagat' & in erigend' poit' Deodand' Catalla
 Waviat' & extrahur' cum pertin' in B. A.
 S. P. & B. Pecnon Rectozias de B. & S.
 cum pertin' ac omnes ac omnios Decimas
 eisdem Rectozis spectan' & pertinent acetiam
 Advocaciones Ecclesiarum de P. & B. ac
 Advocaciones Utcarie Ecclesie de B. Et in
 que &c.

* Note, The Word Gardinum is used both for Garden and Orchard in real Actions, and not Pomarium; and if that Word be used, you may plead in Abatement as being contrary to the Course of the Register. See such a Plea in Form' bene Placitandi tit. Abatement.

Divers other Particulars may be put in the Writ, as may be seen in the Register fol. 1, 2. F. N. B. 2 West. Symb. 2. pag. 77.

Honor de A. cum p̄t̄n
 Castrū de B. cum p̄t̄n
 Burgus de C. cum p̄t̄n
 Hūd̄es de D. cum p̄t̄n
 Man̄id de E. cum p̄t̄n
 Foresta de F. cum p̄t̄n
 Chacea de G. cum p̄t̄n
 Scitus Manerii de H.
 cum p̄t̄n
 Terra aqua coopt
 Communia pastur̄ p
 omnimod̄ Averis
 Dec̄ Solidat̄ Red-
 dit̄.
 Reddit̄ duorum Gal-
 lozum duarum Gal-
 linar̄ unius Libr̄
 Piperis, &c.
 Mesuaḡ
 Shopa
 Cellarium
 Costum
 Una Wharfa
 Una Baia
 Pundine & Mercate
 cum p̄t̄n
 Quis Franc̄ pleḡ cum
 p̄t̄n
 Catalla Felon̄ M̄laḡ
 & in erigend̄ poit̄
 Catalla wariat̄ &
 extrahit̄ Deodand̄
 Rectoria de B. cum
 p̄t̄n ac omnes ac
 omnimod̄ Decimas
 quascunque eidem
 Rectorie specton̄ &
 pertinen̄

Scitus nuper Mona-
 sterii de A. cum per-
 tin̄
 Pratum
 Pastura
 Boscus
 Campnus & B̄t̄era
 Mora Juncaria
 Mulcaria Mariscus
 Alnetus
 Polendinum
 Columbar̄
 Macellum
 Gardinum
 Terra
 Liba Piscaria
 Liba Warenn̄a
 Libras Faldagii
 Una Salina
 Una Bullar̄ Aque
 salte
 Advocatio Ecclesie de
 B.
 Advocatio Vicarie Ec-
 clesie de C.
 Passagium ultra Aquā
 Thamelis
 Tres partes unius
 Mesuagii
 Medietas unius Me-
 suagii
 Medietas unius Me-
 suagii Communia
 pastur̄ ad omnes
 partes p̄t̄s Pecnon
 Medietas & tertia
 pars Coie.

*The Rule for the Payment of Money in the
Alienation Office.*

Every 5 Marks and 20 Shillings payeth 6s. 8 d. From 5 Marks and 20 Shillings unto 5 Marks and 40 Shillings payeth 10s. Above 5 Marks and 40s. unto 10 Marks and 20s. payeth 13s. 4 d. So in like Proportion for all others.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
40 s. or under payeth	0	0	0
Above 40 s. to 3 l. } 6 s. 8 d. payeth	0	6	8
5 l. 6 s. 8 d. payeth	0	10	0
7 l. 13 s. 4 d. ———	0	13	4
8 l. 13 s. 4 d. ———	0	16	8
10 l. payeth ———	1	0	0
12 l. payeth ———	1	3	4
14 l. 6 s. 8 d. payeth	1	6	8
Land rated at 15 l. 6 s. 8 d. payeth	1	10	0
17 l. 13 s. 4 d. payeth	1	13	4
18 l. 13 s. 4 d. payeth	1	16	8
20 l. payeth ———	2	0	0
22 l. payeth ———	2	3	4
23 l. 6 s. 8 d. payeth	2	6	8
25 l. 6 s. 8 d. payeth	2	10	0
27 l. 13 s. 4 d. payeth	2	13	4
28 l. 13 s. 4 d. payeth	2	16	8
30 l. payeth ———	3	0	0

Directions

Directions how to sue out Recoveries.

IN suffering Recoveries, the Tenants and Vouchers do most commonly appear in Person in Court: But sometimes they either will not, or cannot appear in Person; and then they do use to appear and suffer the Recovery by Attorney: Of both which in order.

First therefore, when you would sue forth a Recovery to be suffered by the Parties in open Court;

Draw your *Præcipe* according to the Directions afore given, naming the Demandant and the Tenant, the Quantity of Land and of what Nature, how many Acres, what Mannors, Messuages, &c. and in what Place or Places they lie and extend.

Next you may carry it to the Curfitor of that County where the Lands lie, for a Writ of Entry. But *Note*, It is the Common Use to pass a Recovery at the Bar, before a Writ of Entry is sued out; therefore having drawn your *Præcipe* in Paper, then enter it upon the first Remembrance of the Prothonotary in whose Office you enter, and put the Voucher or Vouchers Names in the Margent thus, *viz.*

With a single Voucher.

Midd' ff. **P**recipe A. B. quod iuste, &c. red- Tenens in pro-
dat C. D. Gen' unid Mesuagium pria persona
& decem Acr Pastur cum pertin' in C. que sua voc. ad
cland, &c. Warr. * *Edm.*
Clerk, &c.

* *Note*, The common Vouchee is usually Bag-
bearer to the *Custos Brevium* of the Common
O 3 Pleas,

Pleas, and is named *Edmund Clent* in these Precedents; but now *John Wheeler* is Bag-bearer.

If it be with a double Voucher then enter it thus, *viz.*

Tenens in propria persona sua voc. ad war. F. G. Gen. qui præsens vocat *Ed. Clent.* [or *Tho. Wheeler.*]

Midd' ff. **P**recipe A. B. quod iuste, &c. reddat C. D. Gen' unum Mesuagium & decem Acr' Pasture cum pertin' in C. que clam', &c.

If it be with a treble Voucher then thus:

Tenens in propria persona sua voc. ad war. F. G. Gen. qui præsens voc. H. G. qui præsens voc. *Edm. Clent* [or *J. Wheeler*] so that you must always name the common Vouches last.

Midd' ff. **P**recipe A. B. quod iuste, &c. reddat C. D. Gen' unum Mesuagium & decem Acr' Pastur' cum pertin' in C. que clam', &c.

* Note, The shortest Time will be in the Morning when the Judges first sit down, before they enter upon Business.

Note, That upon this Remembrance, after your *Præcipe*, you are to enter the Return and *Teste* of your Writ of Entry; but the Recovery may for Dispatch be passed first at the Bar, and it is the common Use. Therefore having entred your *Præcipe* on the Remembrance, and having your Tenant and Vouchers ready at the Bar, the Court being at * Leisure, deliver the Remembrance on which your *Præcipe* is entred (which Remembrances are always brought to the Hall in the Term-time) to one of the Serjeants at the Bar, having called up your Clients between the Serjeants; but the Demandant need not to appear, only the Tenant and Voucher. And if your Client be a Nobleman, you must place him in the Middle of the Bar between the King's Serjeants or the two other eldest Serjeants in their Absence. Your *Præcipe* being delivered

livered the Serjeants will plead, and soon dispatch your Business.

If the Recovery be with single Voucher three Serjeants plead it; one for the Demandant, one for the Tenant, and the third for the Vouchee.

If with a double Voucher then four Serjeants.

If with a treble Voucher then five Serjeants.

Every Serjeant's Fee being 3 s. 4 d. out of which each Serjeant allows to the Clerk that sueth out the Recovery 1 s. 4 d. so that you pay them only 2 s. apiece.

The Form of the Serjeant's pleading a Recovery with single Voucher, is as followeth.

1. **T**HE Serjeant, who hath the Remembrance, will ask which is the Tenant, and cause him to stand up, as also the Vouchers, to the Intent they may be shewn to the Court; then the Judge will ask, Who knows the Parties? which you or some other will answer, you know them to be such Parties, lest there should be Fraud in it, as there hath been formerly, where the Husband brought in another Woman a Stranger, saying, she was his Wife, and suffered a Recovery of his Wife's Land to cut off her Estate without her Consent.

And Note, That Roll Chief Justice said, That though it was not necessary to examine a Feme Covert, when she joins with her Husband to suffer a Recovery; yet he held it prudential, and that he used to do it. *Pract. Regist.* 134, 295.

Then the first Serjeant counts by the Prothonotary's Remembrance according as the Writ is there entred, after this Manner, viz.

Le premier
Serjeant.

Ceo vous monstre J. D. que J. S. ad luy deforce del Manor de D. ovelque les appartenances en le Countie de C. (reciting all the Particulars) & que ceo est son droit & inheritance d'ount il mesme fuit seisie en son desmesme come de fee & droit en temps la peace en temps la Royn qui ore est Et les Esplees eit prise al value de demye Park & plus Et en queux le dit J. S. n'ad pas entre si non puis disseisin que H. Hunt de ceo tortiousmēt & sans Judgment a fait ad le dit J. S. deins triginta ans darrein passe si le dit J. S. ceo voit dedire, vous aves cy le dit J. D. que de ceo ad port son suite.

Le second Ser-
jeant.

The Serjeant for the Tenant saith, vous aves cy le dit J. S. qui defend son dīt & vouch a garranty Com. Clent & pria que il soit summon deins le Courtie avantdit p le aid de cest Court.

3. Serjeant.

Nous aves cy le dit Com. Clent qui cy est prist denter en le garranty & prie que le demandant countra vers luy.

1. Serjeant.

3. Serjeant.

Autiel Count (mutatis mutandis)

Nous aves cy le dit Comd Clent qui defend son droit & dit que le dit H. Hunt ne disseisa pas le dit J. D. sicome le dit J. D. per son brief & Count suppose & sur ceo luy mitte sur le pais.

1. Serjeant.

Double Vou-
cher.

Ove vostre conge nous volumus imple.

If it be with a double Voucher, then the first Serjeant counts as before. Ceo vous nous stre, &c.

2. Serjeant.

And so likewise the second for the Tenant as before, only instead of com non Vouchee he calls the first Voucher A. B.

3. Serjeant.

Then the Serjeant of the Vouchee must desire the Judges to record the Appearance of the Vouchee (and so of every Vouchee unless it be Com-

Common Vouchee) which done he must say,
Nous aves cy le dit A. B. que cy est prist
dentre in le garranty & prie que le demandant
counteroit envers luy.

Quiel Count (mutatis mutandis.)

1. Serjeant.

Nous aves cy le dit A. B. qui defend son
droit & vouch a garranty Comd Clent Et prie
que il soit summom deins le County avant
dit p le aid de cest Court.

3. Serjeant.

Then the fourth Serjeant must say, Nous a-
ves cy le dit Comd Clent que cy est prist den-
tre en le garranty & prie que le demandant
counteroit envers luy.

4. Serjeant.

Quiel Count (mutatis mutandis.)

1. Serjeant.

Nous aves cy le dit Comd Clent qui de-
fend son droit & dit que le dit Hugh Hunt ne
disseisa pas le dit J. D. sicome le dit J. D.
p son briez & count suppose Et sur ceo luy
mitte sur le pais.

4. Serjeant.

Obe vostre conge nous volumus imple.

1. Serjeant.

And so in the like Manner if it be with tre-
ble Voucher, (*mutatis mutandis*)

The Tenant and Vouchers Appearances
being recorded, and the Serjeants Plea ended,
the Prothonotary sitting in Court will mark the
Remembrance in the Margent of the *Præcipe*
thus, [*Ad Barram*] Which done and the Fees
of the Court paid, you must get the Cursitor
of the County to make your Writ of Entry
by the *Præcipe* drawn up in Paper as is afore
directed; and having your Writ of Entry un-
sealed, you must proceed therewith in the
Alienation-Office and other Offices, in all
Things as in Writ of Covenant upon a Fine;
for the * Fees are all one, only you must have
the Attorney General's Hand to your Writ
of Entry (which you have not to a Writ of
Covenant) for which you pay 10 s.

* See before
the Rule of
Fees for Alie-
nation-Office,
and see after.

Then

Then take your Writ and get it sealed, and then open it and return it, as you do a Writ of Covenant.

See after l. r
Writ of Entry
and Return.

Then deliver your Writ to the Clerk of the Prothonotary's Office, who entreteth for you and he will enter and exemplify your Recovery; but if you can enter it your self, then first draw up your Recovery after this Manner, supposing it was in *Wiltshire* and betwixt the Parties following, with the Parcels.

The Form of a Recovery with a single Voucher.

Wils' ff. **J.** H. Armiger in propria persona sua petit vers^s D. W. Gen^{er}tria mesuagia septem gardina septuaginta acras terre novem acras prati quindecim acras pasture viginti acr' jampnoz^{um} & buere & communiam turbarie cum pertin' in S. ut jus & hereditatem suam Et in que idem D. non habet ingressum nisi post disseisinam quam Hugo Hunt inde injuste & sine Judicio fecit prefat^{us} J. infra triginta annos &c. Et unde dicit quod ipsemet fuit seiscitus de tenementis & communis predict^{is} cum pertin^{is} in dominio suo ut de feodo & jure tempore pacis tempore Domine Regine nunc capiendo inde exple^s ad valentiam &c. Et in que &c. Et inde producit sectam &c.

Et predictus D. in propria persona sua venit & defendit jus suum quando &c. Et vocat inde ad war' Edmundum Clent qui presens est hic in Curia in propria persona sua Et gratis tenementa & communias predict^{is} ei war' &c. Et super hoc prefat^{us} J. pet^{it} versus ipsum Edmundum tene^{re} per war' suam tenementa & communias predictas cum pertin^{is} in forma pre-

dicta

idia &c. Et unde dicit quod ipsemet fuit sci-
tus de tenementis & communis predictis cum
pertin in dominio suo ut de feodo & iure sem-
pore pacis tempore Domine Regine nunc ca-
piendo inde expleß ad valentiam &c. Et in
que &c. Et inde producit lectam &c.

Et predictus Edmundus tenens per war-
tuam defendit ius suum quando &c. Et dicit
quod predictus Hugo non disseisivit prefatum
& de tenementis & communis predictis cum
pertin prout idem J. per breve & narrationem
sua predicta superius supponit. Et de hoc ponit
ut se super patriam &c.

Et predictus J. petit licentiam inde inter-
loquendi Et habet &c. Et postea idem J. re-
venit hic in Cur' isto eodem Termino in pro-
pria persona sua Et predictus Edmundus licet
solemniter exact non revenit set in contemp-
tum Curie recessit & default fecit Ideo conside-
ratum est quod predictus J. recuperet seisi-
nam suam versus prefatum D. de tenementis
& Communis predictis cum pertin Et quod
idem D. habeat de terra predicti Edmundi ad
valentiam, &c. Et idem Edmundus in mise-
ricordia, &c. Et super hoc predictus J. pe-
tit Breve Domine Regine Vicecomiti Co-
munitatis predicti dirigend' de habere fa-
ciend' ei plenariam seisinam de Tenementis
& communis predictis cum pertin Et ei con-
ceditur recognabile hic a die * Sancte Trini-
tatis in ctes septim', &c. Ad quem diem venit
hic in Cur' predictus J. in propria persona
sua

Note, You may
also get ready
your Writ of
Seisin and seal
it, and return
it with your
Writ of Entry.
See after for a
Writ of Seisin
and Return.

* Note, The
Writ of Seisin
ought to be
made returna-
ble at least 15
Days after the
Writ of Entry;
but if the Writ
of Entry be re-
turnable to-

towards the later End of the Term, so that there are not 15 Days between
the Return of the Writ of Entry and the End of the Term; then the Writ
of Seisin must always be made [returnabile hic indilate] and the Writ of
Seisin must always bear Tiste of the Return of the Writ of Entry when
there is no Summons. See more concerning Writ of Seisin and Return

sua Et sic videtur B. P. Armiger modo mand' quod ipse virtute Brevis predicti sibi directi octavo die Junii ult' preterit' habere fecit prefat' J. plenariam seisinam de Tenementis & Communiis predictis cum pertinentiis prout per Breve illud sibi preceptum fuit, &c.

The Form of a Recovery with double
Voucher.

Berks' ff. **J.** D. Armiger in propria persona sua pet' versus A. D. Generosum & R. H. Generosum sex meluagia und' columbar' sex gardina quadringentas ac' terre duodecim acras prati duodecim ac' pasture viginti & quinque ac' bosci ducentas ac' sampnozum & huerie libertat' duorum faldagiozum & cursum Obium cum pertinentiis in L. C. L. & C. G. ut jus & hereditatem suam & in que iidem A. & R. non habent ingressum nisi post disseisinam quam Hugo Hunt inde injuste & sine iudicio fecit prefat' J. infra triginta annos, &c. Et unde dicit' quod ipsemet fuit seisit' de Tenementis Libertat' & cursu obium predict' cum pertinentiis in dominico suo ut de feodo & jure tempore pacis tempore Domine Regine nunc capiend' inde exple's ad valentiam, &c. Et in que, &c. Et inde producat' sectam, &c.

Et predicti A. & R. in propriis personis suis veni' & defend' jus suum quando, &c. Et vocant' inde ad war' J. H. Armigerum qui present' est hic in Cur' in propria persona sua & gratis Tenementa Libertat' & cursu obium predict' cum pertinentiis eis war', &c. Et super hoc predictus J. D. pet' versus ipsum J. H. tene[n]

tenend per war suam Tenementa Libertat & curſ obium predict cum pertind in forma predicta, &c. Et unde dic qđ ipſemet fuit ſeiſit de Tenementis Libertat & curſ obium predict cum pertind in dñico ſuo ut de feodo & iure tempore pacis tempore Domine Regine nunc capiend inde expleſ ad valentiam, &c. Et in que, &c. Et inde produc ſectam, &c.

Et predictus J. H. tenens per War suam defend ſus ſuum quando, &c. Et ulterius voc inde ad War Edmundum Clent qui ſimiliter preſens eſt hic in Cur in propria perſona ſua & gratis Tenementa Libertat & curſ obium predict cum pertind ei war, &c. Et ſuper hoc predict J. D. pet verſus ipſum Edmundum tenend p war suam Tenementa Libertat & curſ obium predict cum ptind in forma predicta, &c. Et unde dic quod ipſemet fuit ſeiſit de Tenementis Libertat & curſ Obium predict cum pertind in dominico ſuo ut de feodo & iure tempore pacis tempore Domine Regine nunc capiend inde expleſ ad valentiam, &c. Et in que, &c. Et inde produc ſectam, &c.

Et predict Edmundus tenens per War sua defend ſus ſuum quando, &c. Et dic qđ pdict Hugo non diſſeiſivit pſat J. D. de Tenementis Libertat & curſ Obium pdict cum ptind prout idem J. per Breve & Narrationem ſua predicta ſuperius ſuppon Et de hoc poſſe ſe ſup patriam, &c.

Et predictus J. D. pet licentiam inde interloquendi & habet, &c. Et poſtea idem J. reven hic in Cur iſto eodem termino in propria perſona ſua & predict Edmundus licet ſolempniter exact non reven ſet in contempt Cur reſellit & defalt fecit Ideo conſideratum eſt quod pdict J. D. recuper ſeiſinam ſuam verſus pſat A & R. de Tenementis Libertat & curſ

curſū Obium p̄dict cum pertinē Et quod idem
 A. & R. habeant de Terra p̄dict J. H. ad va-
 lentiam, &c. Et quod idem J. H. ulterius ha-
 beat de Terra p̄dict Edmundi ad valentiam,
 &c. Et idem Edmundus in mia, &c. Et ſup
 hoc p̄dict J. D. p̄ſ Breve Domini Regis Ric
 Com̄ p̄dict dirigens de habere faciend et p̄le-
 nariam ſeiſinam de Tenementis Libertat &
 curſū Obium p̄dict cum pertinē Et ei conce-
 ditur retoznabile h̄c in Detabis S̄ci Hillarii,
 &c. Ad quem diem h̄c ven̄ p̄dictus J. D. in
 propria perſona ſua Et Ric videlicet H. P.
 Armiḡ modo manſ quod ipſe virtute Brevis
 p̄dicti ſibi directi viceſimo * die Decembris
 n̄ſ p̄ſit habere fecit p̄ſat J. D. plenariam
 ſeiſinam de Tenementis libertat & curſu Obiū
 p̄dict cum p̄ſin prout p̄ Breve illud ſibi p̄ſ-
 ceptum fuit, &c.

* Note, You
 may ſuppoſe
 Seiſin to be
 delivered any
 reaſonable
 Time between
 the Teſte and
 Return, allow-

ing that a Man might ride from *Westminster* to the Land and back again by
 that Time, which may be ſuppoſed to be done in ſix Days in any Part of
England.

The Form of a Recovery with treble Voucher.

North' ſi J. H. in propria pſona ſua p̄ſ ſus
 J. F. J. Generoſum quatuor Acr'
 p̄ſati cum pertinē in Wellingborow alias
 Wendlingborow & Dodington magna ut ſus
 & hereditatem ſuam Et in que idem J. non
 habet ingreſſum niſi poſt diſſeiſinam quam
 Hugo Hunt inde injuſte & ſine Iudicio fecit
 p̄ſat J. infra triginta annos, &c. Et unde dic'
 quod ipſemet fuit ſeiſit de quatuor Acr' p̄ſ-
 dict cum pertinē in dominio ſuo ut de ſeco-
 do & ſure tempore pacis tempore Domine
 Reginę nunc capiendū inde expleſ ad va-
 lentiam

lentiam, &c. Et in quas, &c. Et inde pro-
duc sectam, &c.

Et predictus F. in propria persona sua ven-
t defend jus suum quando, &c. Et voc inde
ad war' R. D. de H. Juniozem Gen qui
plens est hic in Cur' in propria persona sua
Et gratis quatuor Acras predict cum pertin' ei
War', &c. Et sup hoc predictus J. per verlus ip-
sum R. tenen' p War' suam quatuor Acr
predict cum pertin' in forma predicta, &c. Et un-
de dic quod ipsemet fuit seisit de quatuor Acr
predict cum prin' in dominico suo ut de feo-
do & jure tempore pacis tempore Domine
Regine nunc capiend inde expleß ad va-
lentiam, &c. Et in quas, &c. Et inde pduc
sectam, &c.

Et predictus R. tenens p War' suam de-
fend jus suum quando, &c. Et ulterius voc
inde ad war' R. D. de H. Armig qui similiter
plens est hic in Cur' in propria persona sua &
gratis quatuor Acr predict, cum pertin' ei war',
&c. Et super hoc predict J. per verlus ipsum
R. D. Armig tenen' per war' suam quatuor
Acr predict cum prin' in forma predict, &c. Et
unde dic quod ipsemet fuit seisit de quatuor
Acr predict cum prin' in dominico suo ut de
feodo & jure tempore pacis tempore Domine
Regine nunc capiend inde expleß ad valen-
tiam, &c. Et in quas, &c. Et inde pduc
sectam, &c.

Et predictus Ricus D. Armig tenens per
war' suam defend jus suum quando, &c. Et
ulterius voc inde ad war' Edmundum Glenc
qui similiter plens est hic in Cur' in propria
plona sua & gratis quatuor Acr predict cum
prin' ei war', &c. Et super hoc predict J per
ssus ipsum Edmundum tenen' p war' suam
quatuor Acr predict cum prin' in forma predict,
&c.

&c. Et unde dic^r quod ipsemet fuit seisi^t de quatuor Acris p^rdict cum p^rtin^d in dominico suo ut de feodo & iure tempore pacis tempore Domine Regine nunc capi^{en}do inde exple^s ad valentiam, &c. Et in quas, &c. Et inde produ^c sectam, &c.

Et p^rdictus Edmundus tenens per Mar^u suam defend^{en} jus suum quando, &c. Et dicit quod p^rdict Hugo non disseisibit p^rfat J. de quatuor Acr p^rdict cum p^rtin^d p^rout idem J. p^r Breve & Par^r suam p^rdict sup^rius supponit Et de hoc p^rov^{en}it se sup^r Patriam, &c.

Et p^rdictus Johannes p^ret^r licentiam inde inters^{pon}endi Et habet, &c. Postea idem Johannes reven^{it} hic in Cur^{ia} isto eodem Termino in p^rop^ria persona sua Et p^rdictus Edmundus licet solempniter exact^{us} non reven^{it} set in contemp^{tu} Cur^{ie} recessit & defalt^{us} fecit Ideo consideratum est quod p^rdict Johannes recuperet seisinam suam s^ul^us p^rfat J. de quatuor Acr p^rdict cum p^rtin^d Et quod idem J. habeat de Terra p^rdict R. D. Generosi ad valentiam, &c. Et quod idem R. ulterius habeat de Terra p^rdict R. D. Armigeri ad valentiam, &c. Et quod idem R. ulterius habeat de Terra p^rdict Edmundi ad valentiam, &c. Et idem Edmundus in mia^u, &c. Et sup^r hoc p^rdictus J. p^rerit Breve D^{omi}ne Regiⁿⁱ Vic^{em} Com^{itis} p^ro^{cur}at^{ur} dirig^{en}de de habere faci^{en}de ei plenar^{em} seisinam de quatuor Acris p^rdict cum p^rtin^d Et ei conceditur retro^{ced}abile hic indilate, &c. postea scilicet tertiodecimo die Februarii isto eodem Termino ven^{it} hic in Cur^{ia} p^rdict J. in p^rop^ria persona sua Et vic^{em} videlicet H. S. modo mand^{at} quod ipse virtute Brevis p^rdict sibi direct^{us} octavo die Februarii ult^{er} p^rerit habere sec^{un}d^{um} p^refat J. plenar^{em} seisinam de quatuor Acris p^rdict cum p^rtin^d put^{at} p^r Breve illud sibi p^rcept^{um} fuit, &c.

The Form of a Recovery with a Quadruple
Voucher.

S. ff. **H.** L. Generosus & S. C. Generosus
in propriis personis suis perunt
versus M. C. Gen Maneria de Csted als El-
vested Dumford alias Damford alias Demp-
ford Tidinge alias Dedling Farnhurst alias
Farnest Awkesborne alias Hawkisborne as
alias Old Park Camoys Court Trotton alias
Tratton alias Truddington Iford & Dawk-
lingridge cum pertinenti Pecnon centum me-
suagia centum gardina quatuor mille ac-
terre trescentas ac- prati mille ac- pastur-
odringentas ac- bosci quingentas ac- jamp-
nozum & buere trescentas ac- Marisci & li-
beram warennam cum pertinenti in Csted alias
Elvested Dumford alias Damford alias Demp-
ford Diding alias Dedling Awkeborne alias
Hawkisborne alias Old Park Camoys Court
Trotton alias Tratton alias Trudington Iford
Dallingridge Farnhurst alias Fernhurst
Treyford Terrick Worsham Purstead alias
Purstead Warcombe Dirlinge St. John's
sub Castro de Lewis Chalep East Grim-
stead Horsted Keynes Hodely alias Heath-
ley & West Hedley alias West Heathley Ac
Advocationem Ecclesiarum de Ruper & Hitch-
ingfield ut jus & hereditatem suam Et in
que iidem M. & P. non habet ingressum
nisi post decessum quam Hugo Hunt inde
injuste & sine iudicio fecit pfaat H. & S. infra
triginta Annos, &c. Et unde dicunt quod ip-
met fuerunt seifici de maneriis parco te-
nencia & libera warennam pdict cum pertinenti in
dominio suo ut de feodo & iure Ac de Advoc-
atione pdict ut de feodo & iure tempore pa-
[Vol. 1.] P cis

cis tempore Dne Regine nunc capiend inde
expleß ad valentiam, &c. Et in que, &c. Et
inde pduc sectam, &c.

Et predicti H. & R. in propriis personis
suis veni & defendi jus suum quando, &c. Et
vocant inde ad war' T. C. Generosum qui pre-
sens est hic in Cur' in propria persona sua Et
gratis maneria parcum tenementa & liberam
warennam predict cum prin' ac Advocationem
predict eis war', &c. Et super hoc predicti H. &
S. petunt versus ipsum T. tenend per war'
suam maneria parcum tenementa & liberam
warennam predict cum prin' ac Advocationem
predict in forma predict, &c. Et unde dic' quod
ipsimet fuerunt seisciti de maneriis parco tene-
mentis & libera warrenna predict cum prin'
in dominico suo ut de feodo & jure ac de Advoca-
tione predicta ut de feodo & jure tempore pacis
tempore Domine Regine nunc capiend inde ex-
pleß ad valentiam, &c. Et in que &c. Et inde
de pduc sectam, &c.

Et predictus T. Tenens p war' suam defendi
jus suum quando, &c. Et ulterius hoc inde
ad war' J. B. Armiger' qui similiter p'sens
est hic in Cur' in propria persona sua Et gra-
tis maneria parcum tenementa & liberam wa-
rennam predict cum prin' ac Advocationem pre-
dictam eis war', &c. Et super hoc predicti H.
& S. petunt versus ipsum J. B. tenen' p war'
suam maneria parcum tenementa & liberam
warennam predict cum prin' ac Advocationem
predict in forma predict, &c. Et unde dic' quod
ipsimet fuerunt seisciti de maneriis parco tene-
mentis & libera warennam predict cum prin' in
dominico suo ut de feodo & jure ac de Advoca-
tione predict ut de feodo & jure tempore pacis
tempore Domine Regine nunc capiend inde
expleß ad valentiam, &c. Et in que, &c. Et
inde pduc sectam, &c.

Et p̄dictus J. W. tenens per war suam defendi suum quando, &c. Et ulterius vocat inde ad war R. L. Militem qui similiter presens est hic in Cur in propria persona sua Et gratis maneria parcum tenementa & liberam warrennam p̄dict cum p̄tin ac Advocationem p̄dict eis war, &c. Et super hoc p̄dicti H. & S. petunt versus ipsum R. L. teneid p war suam maneria parcum tenementa & liberam warrennam p̄dict cum p̄tin ac Advocationem p̄dict in forma p̄dict, &c. Et unde dicit quod ipsimet fuerunt seisi de maneriis parco tenementis & libera warennam p̄dict cum p̄tin in dominico suo ut de feodo & jure ac de Advocatione p̄dict ut de feodo & jure tempore pacis tempore Dñe Regine nunc capiend inde exples ad valentiam, &c. Et in que, &c. Et inde producit sectam, &c.

Et p̄dictus R. L. tenens per war suam defendi suum quando, &c. Et ulterius vocat inde ad war Edmundum Clericū qui similiter presens est hic in Cur in propria persona sua Et gratis maneria parcum tenementa & liberam warennam p̄dict cum p̄tin ac Advocationem p̄dict eis war, &c. Et super hoc p̄dicti H. & S. petunt versus ipsum Edmundum teneid p war suam maneria parcum tenementa & liberam warennam p̄dict cum p̄tin ac Advocationem p̄dict in forma p̄dict, &c. Et unde dicunt quod ipsimet fuerunt seisi de maneriis parco tenementis & libera warennam p̄dictis p̄tin in dominico suo ut de feodo & jure ac de Advocatione p̄dict ut de feodo & jure tempore pacis tempore Domine Regine nunc capiend inde exples ad valentiam, &c. Et in que, &c. Et inde producit sectam, &c.

Et predictus Edmundus tenens p^r war^m suam defend^o jus suum quando, &c. Et dic^t qd^o predictus Hugo non disseisivit prefat^o H. & S. de maneriis parco tenementis & libera warrenna p^rdictis cum p^rciis ac de Advocatione p^rdict^o p^rout iidem H. & S. p^r Breve & Parr^o sua predict^o superius suppon^o Et de hoc p^ron se super Patriam, &c.

Et p^rdict^o H. & S. petunt licentiam inde interloquendi Et habent, &c. Et postea iidem H. & S. revent^o hic in Cur^{ia} isto eodem Termino in propriis personis suis & p^rdictus Edmundus licet solempniter exact^o non revent^o set in contemptum Curie recessit & defalt^o fecit Ideo consideratum est quod p^rdict^o H. & S. recuperent seisinam suam Glus p^rfat^o H. & R. de maneriis parco tenementis & libera warrenna predict^o cum p^rciis ac de Advocatione predict^o Et quod iidem H. & R. habeant de Terra p^res^o T. C. ad valentiam, &c. Et quod idem T. C. ulterius habeat de Terra predict^o J. B. ad valentiam, &c. Et quod idem J. B. ulterius habeat de Terra p^rdict^o R. L. ad valentiam, &c. Et quod idem R. L. ulterius habeat de Terra predict^o Edmundi ad valentiam, &c. Et idem Edmundus in mia, &c. Et super hoc p^rdict^o H. & S. petunt Breve Domine Regine Wic^o Com^o p^rdict^o dirigend^o de habere faciend^o eis plenar^o seisinam de maneriis parco tenementis & libera warrenna p^rdict^o cum p^rciis ac de Advocatione p^rdict^o Et eis conceditur retornabile hic indilate, &c. Postea scilicet duodecimo die Februarii isto eodem Termino ven^o hic in Cur^{ia} p^rdict^o H. & S. in propria persona sua Et Wic^o videlicet Thomas Piers Baronettus modo mand^o quod ipse virtute Brevis p^rdict^o sibi directi septimo die Februarii ult^o p^rerit^o habere fecit p^rfat^o H. & S. plenar^o seisinam de maneriis

riis parco tēntis & libera warennā p̄dictā cō
p̄tū ac de Advocacione p̄dictā p̄out p̄ Breve il-
lud sibi p̄ceptum fuit, &c.

Your Recovery being thus drawn, you must
next enter it upon a Plea Roll, which the Pro-
thonotary will give you for that Purpose.

The next Thing is to make an Exemplifica-
tion for your Client, which you may do after
the Manner following.

The Exemplification of a Recovery with
single Voucher, where the Parties appear in
Person at the Bar.

A P̄na Dei gratia Anglie Scotie Fran-
cia & Hibernie Regina Fidei Defen-
sor, &c. Omnibus ad quos p̄sentes Litere
nostre pervenerint salutem Sciatis quod inter
Placita Terte irrotular' apud Westm̄ coram
Thoma Trebor Mil' & Sociis suis Justic' no-
stris de Banco de Termino Sancti Michaelis
Anno Regni nostri secundo Rotulo * vicesimo
quarto continetur sic Willelm' A. H. Armig'
in propria persona sua pet' versus D. W. Gen-
tria Mesuagia septem Gardina, &c. [Setting
forth the whole Recovery *verbatim*, accord-
ing to the †Precedent with single Voucher un-
to the End of these Words] p̄out per Breve
illud sibi p̄ceptum fuit, &c. Que omnia &
singula ad requisitionem p̄dict' A. H. tenore
p̄sencium durimus exemplificand' In cuius
rei testimonium sigillum nostrum ad Brevia
in Banco p̄dict' sigilland' deputat' p̄sencibus
apponi fecimus Teste Thoma Trebor apud
Westm̄ vicesimo octavo die Novembris Anno
Regni nostri secundo.

* According to
the Number of
the Roll you
entred it on.

† i. e. accord-
ing to the Re-
covery you en-
tred on the
Roll.

The same Form may serve for Recovery with double or treble Voucher, &c. *mutatis mutandis*.

Note, You must *teste* your Exemplification after the Return of the Writ of Seisin; but if there be not *fifteen Days between the Return of the Writ of Entry (or a Writ of Summons when by Summons) and the End of the Term; then must the Writ of Seisin be returnable *indilate*; and the Exemplification must bear *Teste* the last Day of the Term in which the Writ of Entry (or Summons) came in.

Note also, That if the Writ of Entry (or Summons when necessary) be returnable so late in the Term, that the Writ of Seisin cannot come in returnable in the same Term; but that it must be returnable the next *Term; then in your Exemplification you must observe, That after awarding the Return of the Writ of Seisin, you must break off and conclude as before, *Que omnia, &c.* And then upon the folding up of the Bottom of the Exemplification, or on the Label you must endorse thus, *Ad quem diem hic veni p̄dict (the Demandant) in p̄pria persona sua Et tunc videt A. B. modo mand quod ipse virtute Brevis illi sibi directi vicefimo + die Junii ult p̄terit habere fec p̄lat (the Demandant) plenam seisinam de Tenementis p̄dict cum p̄tin put p. Breve illud sibi p̄ceptum fuit, &c.* But in the Roll there is not any such Distinction.

* As when 'tis returnable. *Octab. Trin. or Quinden' Trin.* there are not 15 Days from the *Teste* of. *Octab. Trin. or Quinden. Trin.* until *Tres Trin.*

* As when the Writ of Entry or Summons, is returnable the last Return of any Term (except *Easter Term*) then the Writ of Seisin must be awarded the first Return of the next Term; but if of *Easter Term*, then the second Return of *Trin. Term*.

+ *Note*, This Execution of the Writ of Seisin may be supposed on

any Day not being Sunday, between the *Teste* and the Return of the Writ of Seisin, so that you allow Time enough that one may be supposed to ride from *Westminster* to the Land and back again by that Day. See more hereafter.

Your

Your Exemplification being thus made, and also your Writ of Seisin [in the mean Time] being made and returned as of Course: Then examine your Recovery with the Prothonotary (having first perfected the *Præcipe* in the Remembrance according to the *Teste* and Return of your Writ of Entry as is afore observed) then docket your Recovery, which done, the Prothonotary will sign your Exemplification which with your Writ of Seisin you must get sealed; and then you must be careful to see both your Writ of Entry and * Seisin filed with the *Custos Brevium* of the Common Pleas: For that is the Warranty for your Proceedings had: And then you have no more to do, but to deliver the Exemplification of the Recovery to your Client.

* *Note*, They must be both signed by the Clerk of the Enrolment-Office, to whom you must pay 2 s. 6 d. out of which he alloweth 6 d. to the Clerk that sueth out the Recovery.

Note, If your Client will be at the Charge, you may have both the Writs of Seisin and Entry exemplified with their Returns for fear of any Mis carriage in filing them, which Exemplifications are usually had at the Enrolment-Office. For by the Statute 23 *Eliz. c. 3.* an Office was erected for the Enrolment of Writs of † Entry and Seisin and Writs of Covenant, &c. And it is thereby enacted, That the Exemplifications of such Writs shall have the same Force and Power as Writs themselves: The Form whereof you may find after.

† Also you may exemplifie your Writs of Summons and Warrants of Attorney, &c.

Thus have I shewn you Step by Step, how to pass a Recovery at the Bar with the Exemplifications thereof; next I will endeavour to shew you how to sue forth a Recovery by *Dedimus Potestatem* and Warrant of Attorney.

Recoveries.

When your Tenant or Vouchers will not or cannot come into the Court in Person, you must pass your Recovery by Warrant of Attorney.

These Warrants of Attorney may be taken two several Ways.

1. Either by any of the Judges of Assize of either Bench, Barons of the Exchequer, and as some say, by Serjeants at Law in their Circuits without a *Dedimus Potestatem*: Or,

2. By a *Dedimus Potestatem* directed to Commissioners in the Country.

First then by Warrant of Attorney before a Judge (&c.) for the Tenant.

Draw up your Warrant in Parchment thus:

Warrant of Attorney for Tenant in single Voucher.

Ebor' ff. **P**recipe C. D. Ar' quod iuste, &c. reddat A. B. Gen' viginti mes suaq' & quinque gardina cum pertin' in C. que clam, &c.

Note, There must be two Attorneys at the least, and their Authority joint and several, that if one die, the other may proceed, &c.

Ebor, ff. **C**. D. Armig' po. lo. suo ff. C. & H. J. conjunctim & divisim versus A. B. Gen' de p'tito terre.

This done, go with the Party before the Judge, and he will underwrite the Day of the Caption, or you may rather underwrite it your self thus,

To which the Judge puts his Hand.

Capit' & Cognit' decimo die Aug' Anno Regni Anne Dne Regine nunc, &c. secundo coram

T. Trevor.

Note,

Note, There must be a Transcript in Paper to which the Judge also puts his Hand, and then is to remain with the Clerk of the Fines.

Next, you must proceed to get your Writ of Entry made and passed through the Alienation-Office, where it must be signed by the Commissioners, and entred into their Book; then carry it back to the Curfitor to be sealed; and from thence to the King's Attorney-General for his Hand.

Then enter your *Præcipe* on the Remembrance with the Note in the Margin, and next pass your Recovery at the Bar, &c.

See more after of the Entry and Proceedings in a Recovery with single Voucher, when the Tenant appeareth by Warrant of Attorney taken before a Judge. *fol. 253.*

Warrant of Attorney for the Tenant and Voucher in a double Voucher.

If both the Tenant and Voucher appear by Attorney; then draw your Warrants of Attorney thus, for a Recovery with double Voucher.

Wils' ff. **P** *Præcipe J. W. qd̄ iuste, &c. reddat R. C. unid̄ Desuaḡ & decem Acr Terre cum pertind̄ in D. que clam̄, &c.*

Wils' ff. **J** *W. po. lo. suo A. R. & T. T. Atz toznd̄ suos consundim̄ & divisim̄ bersus R. C. de p̄lto Terre, &c.*

Wils' ff. **H** *D. quem J. W. voc̄ ad War po. lo. suo R. S. & J. P. consundim̄ & divisim̄ Glus R. C. de p̄lto Terre.*

Cap̄ & cognit̄ (ut supra.)

T. Trevor.

Warrant of Attorney for Tenant and two Vouchers in a treble Voucher.

If with a treble Voucher, then the Warrants must be drawn thus,

Lincoln

Note,

Lincoln' ff. **P** Recipe C. W. quod iuste, &c.
reddat W. G. decem Mesuag
cum ptin in S. que claud, &c.

Lincoln' ff. **E** W. po. lo. suo J. L. & J. A.
conjunctim & divisim versus
W. G. de p'tito Terre, &c.

Lincoln' ff. **J** D. quem C. W. voc ad War
po. lo. suo J. S. & W. B. con-
junctim & divisim versus W. G. de p'tito Ter-
re, &c.

Lincoln' ff. **O** D. quem J. D. voc ad War
po. lo. suo W. T. & J. C.
conjunctim & divisim versus W. G. de p'tito
Terre, &c.

Capit & Cognit, &c. (ut supra.)

J. T.

Note, You
must make due
Entry upon
Record of all
your Proceed-
ings as they go
on ; for which
see after.

Next proceed to get your Writ of Entry made and passed through the Alienation-Office, which done, seal it ; then it must be entred on the Roll, and a Writ of Summons awarded, which will come in five Returns after the *Teste* of the Writ of Entry inclusive. You must also make a Copy of the Declaration you entred in Parchment, which together with the Writ of Summons and Warrant of Attorney must be examined with the Prothonotary by the Writ of Entry and the Roll ; then must you return the Writ of Entry and file it : The Writ of Summons you must seal, and keep it fixt together with the Warrant of Attorney and Copy of the Declaration till the Writ of Summons be returnable, at which

Time

Time you must bring the same into Court, and deliver it to one of the Serjeants, who will draw it at the Bar as the Manner is. Then paying your Fees you must take it from the Serjeant, and give it to the Prothonotary, who will mark it [*ad Barram*] and give it you again. Then you must compleat your Entry on the Roll, and prepare for the Exemplification, and perfect the Recovery as is before directed.

See after for the Entry and Proceedings in these Cases, when both Tenant and Vouchee appear by Warrant of Attorney taken before Judge.

Note, That although the Tenant appears by Warrant of Attorney, if either the Recovery be a single Voucher, or the Vouchers come in Person, it needed no Summons, and so may be a perfect Recovery of one Term.

Note, You must carefully file all your Warrants of Attorney with the Clerk of the Warrants, and all your Writs whatsoever with the *Custos Brevium*.

How to take Warrants by Dedimus Potestatem, and to enter and pass the Recoveries thereupon.

WHEN you take your Warrants by *Dedimus Potestatem*, you must procure your *Dedimus* in the same Manner, as when you take a Fine, *viz.*

Draw your *Præcipe* in Paper for the Curfitor to make the *Dedimus* by, and then deliver it to the Curfitor of the County, having first written the Commissioners Names thereon, thereof one to be a Knight, thus :

Lincoln'

Lincoln' ff. **P**recipe C. W. qd iuste, &c.
reddat W. C. decem Mesuag
ad ptm in S. que claud, &c.

Des pot direct } A. B. Mil'.
 } C. D. Armig'.
 } E. F. } Gen'.
 } G. H. }

If your *Dedimus* be for Vouchers, you must put down their Names in the Instructions.

Note, The
Vouchee must
set his Hand to
the Warrant.

Take your *Dedimus* and deliver it to the Commissioners with a *Præcipe* and Warrant or Warrants of Attorney ingrossed, and let the Commissioners take the Caption, and then enter it thus :

Capit & Cognit apud S. in Comd
L. decimo quinto die Aug' Anno
Regni Anne Dñe Regine nunc,
&c. secundo coram

A. B.
C. D.

You must also return the *Dedimus* on the back thus :

Executio istius Brevis (or Commissionis)
patet in quadam Scheda huic Brevi an
nex'.

And then file the *Præcipe* and Warrant to the Back of the *Dedimus*, and so return it into the Court of Common Pleas.

If after the Caption any of the Commissioners refuse to return it, the Party grieved may by *Certiorari* compel him that hath it in his Custody, his Executors or Administrators, to certify it: The Form of which *Certiorari* see after.

If one of the Commissioners, who take the Cognizance, be not a Knight (as many Times happens) then a Certificate must be drawn up upon the Back of the *Præcipe* and Warrants; and then to be carried to a Judge for his *Allocatur*; the Form whereof may be thus:

A. B. Gent. one of the Commissioners in the Writ of *Dedimus*, named, maketh Oath, that these Warrants were duly taken, the Vouchers being of full Age. A. B.

And Note, It is not held necessary to examine a Feme Covert, when she joins with her Husband to suffer a Recovery; yet it is thought to be prudential, *Pract. Reg.* 295.

Now observe, That if your *Dedimus* was only to take the Warrant of the Tenant upon a Recovery with single Voucher, then after it is returned as above by the Commissioners, carry your Caption back again to the Curfior, who will make you a * *Mittimus* and Transcript of all your Proceedings.

Dedimus upon single Voucher.

* The *Mittimus* is to send the Tenor or Transcript to the

Common Pleas, folding up the Transcript in the Writ of *Mittimus*, and so sealeth the Writ of *Mittimus*.

Then proceed to your Writ of Entry, and enter the *Præcipe* upon the Remembrance, and make the Note in the Margent thus:

Petens

Petens in propria persona tenens per A. B.
voc. Com. Clent.

The Entry of
the *Mittimus*
begins thus:
Dom' Regin'
mand' Justic'
fuis de Ban-
ro Brebe
suum et'm in
hec herba;
and so recite
the *Mittimus*,
&c. See after.
Note, You
have only a
Transcript of
the *Dedimus*.

Note, You must open your *Mittimus* and then file the Writ of Entry and *Mittimus* together, and deliver them with the Remembrance to a Serjeant, and so the Recovery passeth as the Manner is at the Bar. Then you must enter your *Mittimus* and Transcript in a small Hand upon the Plea-Roll (taken from the Prothonotary) beginning with the *Mittimus*, which having recorded *verbatim & literatim*, then in one continued Line, begin, and go on with the annexed Transcript of the Writ of *Dedimus*, and do the like to the End, and then about a Thumb's breadth Distance begin underneath, and make an Entry of your Recovery in great Hand on the same Roll, and then prepare for your Exemplification, &c. as before directed.

Note, Remember to file your Warrant of Attorney with the Clerk of the Warrants.

See more of Proceedings when the Tenant cometh not in Person, but by Attorney, when the Recovery is with single Voucher.

Quere of this.

Dedimus upon
double Vou-
cher.

But if your Recovery be with double Voucher (which is most usual) and the Tenant to the *Præcipe* do not appear at the Bar; then you must proceed as followeth: You must sue out a Writ of Summons against the Vouchee together with a *Dedimus Potestatem* as before directed, to take the Warrants: And at the fifth Return inclusive from the Writ of Entry (accounting that of the Writ of Entry for one) the Writ of Summons returned together with a Transcript of the Entry of the Summons being fairly ingrossed, and a Transcript of the Caption being, as before, made by the Curfitor, being

being all fixed together, you may so pass at the Bar.

But *Note*, That if your Tenant do appear at Bar, then you must have a Writ of Summons against the Vouchee, and so against every Vouchee, except the Common Vouchee, if it be with more Vouchers, and proceed therein as before directed. See for the Entry of these after.

Note, No Summons or Warrant against the Common Vouchee.

You must make due Entries upon Record of all your Proceedings as they go on.

Note, Having ingrossed your Summons in Parchment, you may examine it by the Roll with the Prothonotary. In like Manner you pass it at the Bar by the Return of the Caption, before you have a Transcript thereof from the Cursitor as well as afterwards.

See more hereafter of the Entries and Proceedings when the Warrants are taken by *Delinus Potestatem*.

Having necessarily spoken before of Writs of Entry, Summons and Seisin; I will next set down the Forms thereof with some Observations thereon.

And first of a Writ of Entry; yet 'tis the Business of the Cursitor of the County where the Lands lie to make it.

The Form of a Writ of Entry out of the Chancery.

A Inna Dei gra Angl' Scoc' Franc' & Hibnie Regina fidei Defens, &c. Uic' dido saltem Precipe A. B. quod iuste & sine latione reddat C. D. quatuor messuagia quatuor gardina ducentas acras terre centum acras prati trescentas acras pasture quadraginta

ginta acras bosci & trescentas acras samp-
nozum & byuere cum pertin in C. que clamat
esse jus & hereditatem suam Et in que idem
A. non habet ingress nisi post disseisinam quam
Hugo Hunt inde injuste & sine Iudicio fecit
plac C. D. infra trigint annos jam ult elaps
ut dic Et unde queritur quod predict A. B.
ei deforc Et nisi fec Et pda' C. D. fec te
secur' de clam' suo pros tunc sum' per bonos
sum' pda' A. B. quod sit coram Justic' nostris
apud Westm' a die Sancti Michaelis in tres
septimanas ostensur' quare non fec' Et habeas
ibi sum' & hoc Breve Teste nobis ipsis apud
Westm', &c.

It is returned thus :

Pleg de Pros } Johannes Doe,
Richardus Roe.

Sum' } Johannes Den,
Richardus Fen.

R. S. Ar' Uic'.

The Form of a Writ of Summons out of the
Common Pleas.

A Pna Dei gratia Anglie Scotie Fran-
cie & Hibernie Regina Fidei De-
fensor, &c. Uic' Quid salutem Sum' p bonos
sum' J. S. (the Vouchee) quod sit coram Ju-
stic' nostris apud Westm' in * Octab' Sancti
Martini ad warrantizandum A. B. quatuor
mesuagia quatuor gardina ducentas acras
terre centum acras prati trescentas acras
pasture quadraginta acras Bosci & trescent
acras sampnozum & byuere cum pertin in C.
que

* Note, There
were formely
nine Returns
between the
Return of the
Writ of Entry
and Return of
the Writ of

que C. D. in Cur noctua rogam Justic no
 stris apud Westm claud ut sup sumi deffus
 pstat A. B. p Breve nostrum de ingressu la
 per diffelsimam in la Post Et unde item A. B.
 in ead Cur nra hoc pbia J. B. bund in Corn
 tua ad Warr deffus cum Et habes ibi lumen
 & hoc Breve Weste A. Treboi apud Westm
 † vicefimo quarto die Octobris Anno Regni
 nri prime.

Summons, and
 so betwixt one
 Writ of Sum
 mons and ano
 ther, But by the
 Statute 17 Car.
 2. c. 6. they are
 abridgd to five
 Returns inclu
 five; as for ex
 ample, if the
 Writ of Entry
 be returnable
 Tres Mich then

the Writ of Summons must be returnable *Octab. Martini*; if the Writ of
 of Entry *Mens Mich.* then the Summons *Quinden Martini*; if the Writ of
 Entry *Crastin Animarum*, then the Summons *Octab. Hill.* according the Re
 turn of the Writ of Entry for one, and then the fifth Return is the Sum
 mons; and so it is betwixt one Summons and another.

† The first Writ of Summons must bear *Tesse* the fourth day from the Re
 turn of the Writ of Entry; and so a second Summons from the Return of
 the first.

And it is returned after this manner:

Sund } Johannes Penn, } R. S. At Wic
 } Richardus Penn. }

The Returns of the Four Terms.

	Tres Mich.	a die S. Michaelis in tres septimati.
	Mens Mich.	a die S. Mich. in unum Mensem.
<i>Mich.</i>	Crast. Anim.	in Crastino Animarum.
<i>Term.</i>	Crast. Mart.	in Crastino Sancti Martini.
	Octab. Mart.	in Octab. Sancti Martini.
	Quind. Mart.	a die S. Martini in quindecim dies.
	Octab. Hill.	in Octab. Sancti Hillarii.
<i>Hill.</i>	Quind. Hill.	a die S. Hilarii in quindecim dies.
<i>Term.</i>	Crast. Pur	in Crastino Pur' beatæ Mariæ Virg.
	Octab. Pur	in Octab. Pur' beatæ Mariæ Virginis.

Easter Term.	{	Quind Pasch.	a die Pasch. in quindecim dies.
		Tres Pasch.	a die Pasch. in tres septimanas.
		Menſ Pasch.	a die Pasch. in unum menſem.
		Quinq; Pas.	a die Pasch. in quinque septimanas.
Trin. Term.	{	Craſt. Aſcen	in Craſtino Aſcenſionis Domini.
		Craſt. Trin	in Craſtino Sanctæ Trinitatis.
		Octab Trin	in Octab. Sanctæ Trinitatis.
		Quind Trin	a die Sanctæ Trin. in quindecim dies.
		Tres Trin	a die Sanctæ Trin. in tres septimanas.

The Form of a Writ of Summons for the second Vouchee.

* The fifth return from the first Summons inclusive.

A P P A (&c.) Vicecomiti Prid salutem
 Sum per bonos sum T. W. (the
 second Vouchee) quod sic coram Justic no-
 stris apud Westm in * Craſtino par beate
 Marie Virginis ad warrantizand J. S. quem
 A. B. als in Cur' nostra coram Justic nostris
 apud Westm voc ad warr quatuor Meluagia
 &c. (naming the Parcels) cum pñ in C.
 que C. D. in Cur' nostra coram Justic nostris
 apud Westm claud ut jus suum versus predict
 A. per Wzebe nostrum de ingressu super disseis-
 sinam in le Post Et unde idem J. in eadem
 Cur' nostra ulterius voc predict T. W. sum
 in Com tuo ad warr versus eum Et habeas
 tibi sum & hoc Wzebe Weste T. Treboz apud
 Westm vicesimo pñmo * die Novembris
 Anno Regni nostri secundo.

* Telle the 4th day from the Return-day of the first Summons inclusive.

sum {Jo. Denn.} R. S. At Dic
 {Ric. Fenn.}

The

The Form of a Writ of Seisin

A Pna Dei gra Angl' Scot' Franc & Hi-
 bnie Regina Fidei Defens &c. Vic
 pido sallem Scias quod C. D. in Cur' nostra
 rozam Justic' nostris apud Westm recuperavit
 seisinam suam versus A. B. de quatuor Mesu-
 agiis quatuor gardinis &c. (naming the Par-
 cels) p Wzebe nostrum de ingressu super dis-
 seisinam in le post ideo tibi precipimus quod
 prefat C. plenar' seisinam de Tenementis pre-
 dictis cum ptind sine dilacione habere fac Et
 analit hoc precept' nostr' fueris execut constas
 fac Justic' nostris apud Westm * indilate
 Et habeas ibi hoc Wzebe Teste W. Treboz as
 apud Westm quinto die Febr' Anno Regni nri
 secundo.

* Indilate, be-
 cause not 15
 days in Hill.
 Term from the

the. The Teste being the fourth day inclusive from the Return of the second
 summons, if not Sunday.

The Return of the Writ of Seisin is after
 this manner:

Irtute istius Wzebis mihi direct' * des-
 cimo die Februarii Anno infrascript' ha-
 re feci infranominat' C. D. plenar' seisinam
 Tenementis infrascript' cum ptinen' put in-
 ius mihi pcpitur. R. S. Ar Vic.

* Any reason-
 able day be-
 twixt the Teste
 and Return, so
 it be not Sun-
 day as is before
 observed.

The manner of entring these Writs you will
 amongst the Precedents of Entries follow-
 ; as also the Form of a *Mittimus* and *De-*
 mus spoken of before, and the manner of
 entring the same.

Proceedings in a Recovery with single Voucher, when the Tenant cometh not in Person, but by Warrant of Attorney taken before a Judge.

First draw your Warrant of Attorney in Parchment, as before observed fol. 204. thus:

Ebor' ff. **P**receptum C. D. Arnd qd iuste &c. reddat A. B. gen' viginti messag' & quinq' gardina cum p'nd in C. q' claud, &c.

Ebor' ff. **C**. D. Arnd p' h' suo J. C. & A. B. gen' de p'ito terre.

Capit & cognit' decimo die Augusti
Anno Regni Dne Anne Regine
nunc, &c. secundo coram

J. T.

There must be also a Transcript of this Warrant in Paper, to which the Judge sets his Hand for the Clerk of the Fines.

See before, fol.
204, 205.

When the Warrant is acknowledged, then sue forth your Writ of Entry, as is before observed, and take a Note of it into the Remembrance, as before, and a Note into the Margin thereof after this manner:

Ebor' ff. **T**enus in p'p' p'sona voc' C. D. Clent, &c.

Then you may pass it at the Bar, as manner is.

Next prepare for your Entry on the Roll after this manner.

Ebor' ff. **A**. B. gen' in ppe' psona sua pet
 vers' C. D. Arm' viginti ppe-
 suagla & quinq' Gardina cu' p'cin in C. ut
 jus & hereditat' suam Et in que idem C. non
 habet ingressum nisi post disseisinam quam
 Hugo Hunt inde iniuste & sine iudicio fecit
 p'fat A. infra triginta annos, &c. Et unde dic
 qd ipsemet fuit seisi' de Tenementis p'ed cu'
 p'cin in dominico suo ut de feodo & iure tempo-
 re pacis tempore Domine Regine nunc capiend
 inde exple's ad valenc', &c. Et in q, &c. Et in
 de produc' lect', &c.

Et p'ed C. D. p. F. G. Attoz' suu' ven
 & defend' ius suu' quando, &c. Et hoc inde
 ad Warr' Com' Clent qui p'elens est hic in
 Cur' in p'opr' psona sua Et gratis Tenta
 p'ed cu' p'cin ei warr', &c. Et sup' hoc p'ed
 A. B. pet' vers' ipsum Com' Teneu' per
 Warr' suam tenta p'ed cu' p'cin in forma
 p'ed, &c. Et unde dic qd ipsemet fuit seisi'
 de tentis p'ed cu' p'cin in dominico suo ut de
 feodo & iure tempore pacis tempore Dne Re-
 gine nunc capiend' inde exple's ad valenc', &c.
 Et in que &c. Et inde produc' lectam &c.
 Et p'ed Edius teuens p' Warr' suam defend'
 ius suu' quando, &c. Et dic qd p'ed Hugo
 non disseisivit p'efat A. de tentis p'ed cu' p'
 cu' p'out idem A. p' h're & warr' sua p'ed su-
 pius sup'poit Et de hoc pon' se sup' patriam
 Et p'ed A. pet' licenciam inde interloquendi
 Et habet &c. Et postea idem A. reben' hic in
 Cur' isto eod' Termino in p'opria persona sua
 Et p'ed Edius licet solemni' exact' non re-
 ben' sed in contempt' Cur' recessit Et defalt'
 ferit Ideo cons' est qd p'ed A. recuperet seisinam
 suam vers' p'fat C. de tentis p'ed cum p'cin
 Et qd idem C. habeat de terra p'ed Comun-

Tenant calls
 Common Vou-
 chee,

who enters in-
 to Warranty,

pleads non dis-
 seisuit.

Demandant
 impails.

Common Vou-
 chee makes de-
 fault. Judg-
 ment and Re-
 covery in va-
 luc.

di ad balenciam, &c. Et idem Comes in Bñ,
&c. Et sup hoc idem A. pet bñ Dñd Regi-
ne Vic Comd pñd dirigend de habere faciend
ei plenar seisinam de tētis pñd cñ pñd Et
ei conceditur retornabile hic a die Scē Trin in
tres septimanas Ad quem diem veñd hic in Cur
pñd A. in propr pson sua Et vic videt J.
S. Bar modo mand qđ ipse virtute bñs pñd
sibi direct octavo die Junii ult' pñt' habere
fec' pñt' A. plenar seisinam de tētis pñd
cum pñd prout p bñ illud pñceptum fuit,
&c.

Note, Seisin may be said to be return'd any
reasonable time betwixt the *Teste* and Return
of the Writ, which must bear *Teste* the fourth
day from the Return of the Writ of Entry.

Next perfect your Remembrance, and make
your Exemplification as before directed, and
seal and file your Writs and Warrants of At-
torney, &c.

*Proceedings when the Tenant cometh not in Per-
son, but by Attorney, when the Recovery is
with single Voucher taken by Dedimus to speci-
al Commissioners.*

Sometimes the Tenant appeareth not at the
Bar in Person, but cometh by his Attorney
made by Warrant acknowledg'd before the
the Chief Justice, Justice of Assize, or Serjeant
at Law, or special Commissioners, as before.

Form of the Warrant in the Case aforesaid.

Ebor' ff. **P**recipe H. C. Ar qđ iuste, &c. R.
H. vigint' meluag & quinq, gar-
dina cum pñd in A. qđ claud, &c.

Ebor'

Ebor' ff. **H** Enr' C. Ar po. lo. suo H. B. &
 W. H. conjunctim & divisim
 sus R. H. de plito terre, &c.

Note, When this Warrant from the Tenant
 is to be taken before a Serjeant or special Com-
 missioners, then a *Dedimus potestatem* must
 be sued forth.

Note, Some
 hold that a Ser-
 jeant may take
 without a De-
 dimus, *sed qua-*
re.

The Execution whereof is as before, and a
 Mittimus and a Writ of Entry ; and if it be a
 single Voucher, then the Note of Entry must
 be thus :

Petens in ppr' psona Tenens per Henricum
 Barbour voc' Humpston, or Johe Whee-
 ler, i. e. the Common Vouchee.

Single Voucher
 by Dedimus.

Then file the Writ of Entry and Mittimus to-
 gether, and deliver them with a Remembrance
 to a Serjeant, and so the Recovery passeth at the
 Bar. Enter the Mittimus thus in a small hand :

Domina Regina man' Justic' suis de Fan-
 to hic brevis. lund de Mittimus clausum unacu
 tenore cusu'dam brevis de Deb Pot de war
 Attoz' recipiend' & recoz' esulde necnon war
 Attoz' inde recept' in hec verba, Anna, &c.
 So reciting it with the Dedimus to the end,
 and then about an Inch under enter your
 Recovery in large Hand thus.

Ebor' ff. **R** H. in propria persona sua pet' &
 sus H. C. Ar vigint' Mesuag'
 (ut ante.) Et p'red H. p H. B. Attoz' suum
 ben' & defend' jus suum quando, &c. Et voc'
 inde ad war' Georgium Humpston qui p'rens
 (ut ante.)

Recoveries.

Remember to file your Warrant of Attorney with the Clerk of the Warrants (as before.)

Proceedings when neither the Tenant nor Vouchee cometh in Person, but by Warrant of Attorney, when the Recovery is with double Voucher, the Warrants taken before a Judge.

Now when the Recovery is to be with double Voucher, and if neither the Tenant nor Vouchee appeareth in Person, then the usual way is for both of them to acknowledge Warrants of Attorney, which if acknowledged before the Chief Justice, or Justice of Assize, the form of them is thus.

Double Voucher by Warrants before a Judge.

Wiltes' ff. **P** Recipe J. qd iuste, &c. redat R. C. unum mesuag & decem acr terr cum perind in M. & S. que claud, &c.

Wiltes' ff. **J** W. ps lo. suo A. R. & T. L. At- torid suos conjunctim & divisim plus R. C. de plito terre, &c.

Wiltes' ff. **H** Morgan quem J. W. voc ad war ps lo. suo R. B. & J. P. conjunctim & divisim versus R. C. de plito terre, &c.

Capit & cognid 10 die August' Anno Regni Domine Regine Anne 14 coram

N. Wright

J. Willis,

Henr' Morgan.

When

When the Warrants are acknowledged, then the Writ of Entry is to be sued forth, and a Note of it taken into the Remembrance, and the Note in the Margin must be in this manner :

Peten in propr pson Tenen p A. R. voc
Hen Morgan unde sum in Com pres
ret Oct Martini.

This is not drawn at the Bar until the Return of the Summons. But an Entry must be made upon the Roll of the Demandant, and the Count against the Tenant, and the Tenants Voucher over ; and the awarding of the Summons against the Vouchee as followeth.

Wiltes' ff. **R**. E. in propria psona sua per
Hus J. W. unum mesuagium
(ut ante) Et inde pduc sectam, &c.

Et pres J. p A. R. Attorn suum veni & defend jus suum quando, &c. Et voc inde ad war Henricum Morgan sum in Com pres & habeant eum hic in Oct Martini p auxilium Cur &c. Idem dies dat est partibus pres hic &c. A Transcript of this must be made, and a Writ of Summons as before, Then file the Writ of Summons to the Transcript with the Warrant, and at the Return of the Writ, deliver these thus filed together to a Serjeant at the Bar, and the Recovery will pass the Bar.

The

The 2d. Entry of a Recovery, when both the Tenant and Vouchee come by Warrant of Attorney.

Wilts' ff. **R**ichardus Ellis in ppria persona sua pet' versus Johem M. unum mesuagium & decem acras terre cum p'tin in M & S. ut jus & hereditatem suam Et in que idem Johes non habet ingrid nisi post disseisinam quam Hugo Hunt inde injuste & sine Judicio fecit p'fat' R. infra triginta annos, &c.

Et p'ed J. p. A. B. Attornd suum vend & alias voc inde ad war Henricum Morgan qui modo p' sum ei in Comd p'ed scam per M. S. Attornd suum filit' vend Et gratis (ut in af) Et inde p'duc' sect', &c.

Et p'ed Henr Tenens p' war suam defend jus suum quando &c. Et ultius voc inde ad war Georgium * Humpston qui p'sens est hic in Cur in ppria p'sona sua Et gratis (ut ante) to the return of the Writ of Seisin.

* The Common Vouchee.

Double Vou. *Proceedings in a double Voucher when the Warrants*
cher by Dedi- *are taken before a Serjeant or special Commissioner*
mus before *ner by Dedimus Potestate.*
Commissioners.

Dedimus Potestatem to take a Warrant for the Tenant.

IF the Warrant for the Tenant and Vouchee be taken before a Serjeant at Law, or before a special Commissioner, then first sue forth a Commission for taking of a Warrant for the Tenant; then ingross the Warrant in Parchment, and after the Commission is returned, sue forth a Mittimus with a Writ of Entry, &c. This is not to be drawn at the Bar till the return of the Vouchees Summons, then an Entry must be made of the Mittimus, and of the Demand,

Demand, Count and Voucher, with Award of Summons, against the Vouchee, (as when the Warrant is taken before a Judge,) then a Transcript and a Writ of Summons, as when before a Judge; Then a *Deb Potestat'* for the receiving the Warrant of Attorney for the Vouchee, as before, and the Warrant to be ingrossed as before, and the *Deb Potestat'* to receive the Warrant for the Vouchee, being returned with a *Mittimus* thereupon, Proceedings at the Bar, and Entry of the Recovery are as before, when the Writs are taken before a Judge. See the form of the Entries next following.

Dedimus Potestatem for the Vouchee.

The Form of a Recovery with double Vouchers, where the Tenants appear by Attorney, and the Vouchers upon Summons, with the manner of entering the *Mittimus* and Transcript, and *Dedimus Potestatem* for the Tenants and Vouches.

Staff. ff **P**recipe Johi Lutwich sen' gen' & Radulpho Wzereton gen' quod su' ste, &c. reddant Benjamins Thornbury Ar' & Johan' Broughton generoso sex meluagia sex gardina viginti acras terre viginti acras prati sexaginta acras pasture communiam pasture pro omnibus averiis & communiam turbarie cum pertinenciis in Parre Choleton Eccleshal Darleston & Dunclepy que clam, &c.

The Precipe and Note to be taken into the Remembrance.

Petens in propria persona Tenens per Thom' Hunt & W. Wilde voc' Joh'em Lutwich jun. & Editham uxorem ejus sum' in Com predicto Dct. Martini. Ad barr'

After your Commission for the Tenant is returned, and *Mittimus* and Writ of Entry sued forth; Then you must enter your *Mittimus*, and the Demand, Count and Voucher with

The Writ of Entry was returnable *Tres Mich.*

with an Award of Summons against the Vouch-
chee upon a Plea-Roll, beginning in a small
Hand thus, *viz.*

Domina Regina mandavit Justic suis de
Banco hic breve suum de Mittimus clausum
unacum tenore cuiusdam brevis ipsius Domi-
ne Regine Dedimus Potestatem de warrant
Actoꝝ excipiend, & Retoꝝ ejusdem Person
warrant Actoꝝ inde reiept' in hec verba An-
na Dei Gratia Anglie Scotie Francie & Hi-
bernie Regina Fidei Defensor, &c. Justic su-
is de Banco salutem, &c. And so enter the
Mittimus and Transcript of all the Proceed-
ings for the Tenants in a small Hand upon
the Plea-Roll, beginning with the Mittimus
(which is the least of the Writs, and filed
backwards) which having entered *verbatim*,
then in one continued Line begin, and go
on with the annexed Writ of Dedimus,
and do the like to the end of the Caption,
cozam

A. B.

C. D.

And then begin a new Line, and enter the
Count, Voucher and award of the Summons
in great exemplifying Hand thus, *viz.*

Staff. II. **B**enjaminus Thoburny Armig'
& Johannes Broughton generos-
sus in pꝑriis personis suis petunt versus Jo-
hannem Lucwich senioꝝem generosum &
Radum Wzereton generosid sex mesuagia sex
gardina viginti acras tre viginti acras prati
sexaginta acras pasture coiam pasture pro
omnibus agnis & coiam turbarie cum pꝑriis in
Mappe Cholet Ecclesham Darleston & Dunc-
ley ut jus & hereditatem suam & in que
idem

Item Johannes & Radus non habent ingres-
sum nisi post dissolutionem quam Hugo Hunc
inde iniuste & sine iudicio fecit p̄far' Benjami-
no & Johanni Broughton infra triginta annos
&c. Et unde dicunt qđ ipsimet fuerunt seisi-
ti de redditibus & communis p̄dia cum p̄tend in do-
minico suo ut de feodo & iure tempore pacis
tempore Domine Regine nunc capiend inde ex-
pleis ad valentiam, &c. Et in q̄, &c. & inde
modus legem, &c.

Et p̄res Jobes & Radus p̄ Thome Hunc
Act sui vend & defens sui quando, &c. Et
hoc inde ad warr' Johannem Lutwich Jun
& Editham ux' ejus sum in Cond p̄res & ha-
beant eos hic in Octab S̄t Martini p̄ auxi-
lium Cur', &c. Item dies dat' est partibus
p̄res hic, &c.

Next your Dedimus Potestatem to receive
the Warrant, for the Vouchee being returned
and the Mittimus thereupon made out, and
the Recovery passed at the Bar, as is before
in this Case observed; then you must make
an Entry of your Mittimus, Transcript and
whole Recovery either on the same Roll, be-
ginning within an Inch if it will hold it, or be-
gin on another to be join'd to it; and you
must begin as before, in small Court Hand
to the end of the Caption of the Dedimus,
as followeth.

The Form of entering the Mittimus and
Transcript for the Vouchees.

Domina Regina mandavit Justit' suis de
Banco hic breve suum de Mittimus
clausum unacum tenore cuiusdam brevis ip-
sus Dñs Regine de Dedimus Potestatem de
warrant' Actoꝝ recipiend & recoꝝnd ejusdem
Recnon warrant' Actoꝝ inde recept' in hec
verba

verba Anna Dei Gratia Anglie Scocie Francie
& Hibernie Regina Fidei Defensor, &c. Justie
suis de Banco salutem Tenores &c. (And so re-
cite the *Mittimus verbatim usq;*) Anno Reg-
ni nostri secundo Recroft Anna Dei Gratia
Anglie Scocie Francie & Hibernie Regina Fi-
dei Defensor, &c. dilecto & fideli suo Thome
Whitgrave Militi ac dilectis sibi Danieli
Payler &c. And so enter the Transcript
verbatim, as you are directed, *viz.* in the
small Hand, and then (leaving about a
Thumb's breadth distance) enter the Reco-
very in the exemplifying Hand, as you find
it in page 224.

But first observe the Forms of the War-
rants of Attorney that were taken in this Re-
covery, which are not to be thus entred on
the Roll, but only set here for the better un-
derstanding this Precedent,

Warrant' Attorn' pro tenen'.

Staff. ff. **P**Recipe Johanni Lutwich seniori
generoso & Radso Wzereton ge-
neroso quod iuste, &c. reddant Benjaminus
Thornbury Arm & Johanni Wroughton ge-
neroso sex meluagia sex gardina viginti acras
pziati sexaginta acras pasture coram pasture
p omnibus averiis & coram turbarie cum p-
tiid in Wapze Choleton Eccleshal Darleston
& Duneley que claud, &c.

Staff. ff. **J**ohannes Lutwich senior generos-
sus & Radus Wzereton generosus
po. lo. suo Thomam Hunt & Willm Wilde
conjunctim & divisim versus Benjaminum
Thornbury Arm & Johannem Wroughton
generosum de placito terre, &c.

Capit' & cognit' primo die Marti Anno
Regni Regine Anne primo cora

A. L.
T. F.
C. H.

Warr' Attorn' pro voc'.

Sciff. ff. **P** Recipe Johanni Lutwich sen' gene-
roso & Rad'o Bzereton generoso
quod iuste, &c. reddant Benjamino Thornbury
Arm' & Johanni Broughton gen' sex mesuagia
sex gardina viginti acras terre viginti acras
prati sexaginta acras pasture comunia pasture
p omnibus a'is & coiam turbarie cum p'nd in
Parce Choleton Eccleshal Darleston & Dune-
sey & cland, &c.

Sciff. ff. **J**ohannes Lutwich junior genero-
sus & Editha uxor ejus quos Jo-
hannes Lutwich generosus & Radus Bze-
ton generosus hoc ad war p' lo. suo Robe-
rtum Guy & P. C. conjunctim & divisim ver-
sus Benjaminum Thornbury Armigerum &
Johannem Broughton generosum de placito
terre, &c.

Capit' & cognit', &c. ut supra.

Sciff. ff. **B**enjaminus Thornbury Armig' Then Recove-
& Johannes Broughton gene- ry to be entred
sus in propriis psonis suis petunt versus in great exem-
Johannem Lutwich seniozem generosum & plifying Hand.
Radum Bzereton generosum sex mesuagia
sex gardina viginti acras terre viginti acras
prati sexaginta acras pasture communiam tur-
barie cu p'nd in Parce Choleton Eccleshal
Dar-

Darleston & Daneley ut sup & hereditatem suam & in que tunc Johanne & Radus non habent ingressum nisi post disseisinam quam Hugo Hunt inde injuste & sine iudicio fecit prefat' Benjaminno & Johanni Broughton infra triginta annos, &c.

* Note, Upon the 2d Count in this sort of Entry, you go no farther than *triginta annos*, &c. and then on a new Line you begin the Appearance of the Tenant continuing in great Hand, as in this Precedent.

Et p'dicti Johes Lutwich & Radus p' Thomam Hunt Actorem suum veni & alias voc inde ad war' Johannem Lutwich juniozem generosum & Colham uxorem ejus qui modo p' suum eis in Com' p'dicta fact' p' Robertum Cap' Actorem suum similiter veni Et gratis tēta & communias p'dict' cum p'tin' eis war', &c. Et super hoc p'dicti Benjaminus & Johannes Broughton petunt verlus ipsos Johannem Lutwich juniozem & Colham tene' p' war' suam tēta & communias p'dict' cum p'tin' in forma p'dicta, &c. Et unde vident quod ipsimet fuerunt seisciti de tenementis & communias p'dictis cum p'tin' in domitico suo de feodo & jure tempore pacis tempore Dni Regine nunc capiend' inde exple's ad valentiam, &c. Et in que, &c. Et inde p'dicti fecerunt, &c.

Et p'dicti Johannes Lutwich junior & Colham tene' per war' suam defend' jus suum quando, &c. Et ultius voc' inde ad war' Edmundum Clent qui p'resens est hic in Curia in propr' p'sona sua Et gratis tēta & communias p'dict' cum p'tin' eis war', &c. Et super hoc p'dicti Benjaminus & Johannes Broughton petunt verlus ipsum Edmundum tene' p' war' suam tēta & communias p'dictas cum p'tin' in forma p'dicta, &c. Et unde vident quod ipsimet fuerunt seisciti de tētis & communias p'dictis cum p'tin' in dūico suo de feodo & jure tempore pacis tempore Dni Regine nunc capiend' inde exple's ad valentiam, &c.

Incian

licenciam, &c. Et in que, &c. Et inde produc
lectam, &c.

Et predictus Edmundus tenens per wart su-
am defens jus suum quando, &c. Et dicit qd
predictus Hugo non disseisibit p̄fat Benjaminum
& Johannem Broughton de tētis, & com-
muniis p̄dictis cum p̄tin put p̄o Benjaminus
& Johannes Broughton p̄ b̄re & narrationem
sua p̄dicta sup̄ius suppon Et de hoc pon se
sup patriam, &c.

Et predicti Benjaminus & Iohes Brough-
ton petunt licenciam inde interloquendi Et
habant, &c. Et postea iidem Benjaminus &
Johannes revent hic in Cur isto eodem Ter-
mino in propriis personis suis Et predictus
Edmundus licet solempniter exact non re-
vent set in contempt Cur recessit & defalt
facit Ideo cons̄ est qd predicti Benjaminus
& Johannes Broughton recuperent seisinam
suam verlus p̄fat Johannem Lutwich senior
& Radum de tētis & communiis p̄dictis cum
prin Et quod iidem Johannes & Radus ha-
beant de Terra predictor Johannis Lutwich
junioris & Editha ad valentiam, &c. Et quod
iidem Johannes & Editha habeant de Terra
predicti Edmundi ad valentiam, &c. Et idem
Edmundus in misericordia, &c. * Et super *

hoc p̄dicti Benjaminus & Johannes Brough-
ton petunt b̄re Dñe Regine de habere faci-
end eis plenat seisinam de tētis & commu-
niis p̄dictis cum p̄tin vic Corn predicti diri-
gend Et eis conceditur recognabile hic in-
stare, &c. Postea scilicet vicesimo octavo die
Novembris isto eodem Termino ven hic in
Cur predicti Benjaminus & Iohes Brough-
ton in prope p̄lon suis Et vic videlicet Ri-
chardus Creswell Arm̄ modo mand quod
se virtute brevis predict sibi direct 25 die
Vol. 1.] R Pon.

Thus far in
great Hand,
and then on
the same line
write on in
small Hand,
Et super hoc to
the very end.

Recoveries.

Rob. ult' p̄t̄it habere fec' p̄lat' Wēd & Jo. R.
plenar' leisinam de tēntis & communis p̄dia
cum p̄t̄id p̄out p̄ bre illud sibi p̄ceptum
fuit, &c.

This is the Form of Entry and Proceedings,
when the Warrants both for Tenants and
Vouchees are taken by *Dedimus*; but if your
Tenant appear'd in Person, or on a Warrant
taken before a Judge, and the Vouchee up-
on a Summons by Warrant taken by *Dedi-*
mus, then you make your Entry on the Plea-
Roll after this manner,

First you begin in great exemplifying
Hand thus,

Ret' 15 Pasch.

Cornub' ff.

A. B. in propria persona sua
pet' versus C. D. gen' und
mesuag', &c. to the end of the Count Et in
de produc' legam, &c.

Et p̄dict' C. p̄ J. G. Attozid suum vend' &
defend' jus suum quando, &c. Et voc' inde ad
warr' J. S. sum' in Com' p̄dict' & habeat enm
hic Cro Ascens' Domini per auxilium Cur' &c.
idem dies dat' est partibus p̄dict' hic, &c.

Then you may on the same Roll within
an Inch begin to enter the *Mittimus* and
Transcript in a small Hand thus,

Domina Regina mand' &c. as before to
to the end of the Caption, coram no-
bis W. B. R. P. S. S.

Then within an Inch begin in great exem-
plifying Hand, and so continue to the end
of your Recovery thus,

Sunt res cro' Cornub' ff.
Ascens'.

A. B. in propr' psona sua pe-
versus C. D. gen' unum me-
suagium

suagium, &c. as before to the Words infra
triginta annos, &c. Then beginning a new
Line, thus,

Et p̄dict' C. p̄ J. S. Attoꝝ suum veni &
als hoc inde ad warr' J. S. qui modo p̄ sum
ei in Com̄ p̄dict' fact' p̄ R. C. attoꝝ suum
sit' veni Et gratis tēta p̄dict' cum p̄ind ei
warr', &c. Et sup hoc p̄dict' A. per' ver̄ ip̄
sum J. S. tenend per' warr' suam tēta p̄dict'
tum p̄ind in forma p̄dict', &c. Et unde dis
tunt (&c. as before to the end of the Count)
Et inde produc' sen', &c.

Et p̄dict' J. S. tenens p̄ warr' suam de
fend' jus suum quando, &c. Et ultius hoc in
de ad warr' [Johes Wheeler, or such other
Vouchee as is next] and so go on in great
Hand towards the end of the Recovery un
til these Words Et * idem Johes in mia, &c.
And then on the same line begin in small hand
Et sup hoc p̄dict' A. pe' b̄e Dne Regine de
habere faciend' ei plenar' seisinam (&c. as in
others to the end) prout per' b̄e illud sibi p̄
ceptum fuit, &c.

* Note, it is
now Et idem
Johannes in
mia' &c. John
Wheeler being
the Common
Noucher.

This shall suffice to shew you the nature
of the Proceedings and Entries when by De
votus potestatem.

And as for the Exemplifications of these
Recoveries, you must begin them thus,

A Pna Dei Gratia Anglie Scoc' Franc'
& Hibernie Regina Fidei Defensor,
&c. omnibus ad quos presentes litere nre pbe
verint salutem Sciatis qd inc' placita Tre ir
rotulata apud Westm̄ coram J. L. Mil &
locis suis Justic nris de Banco de Termino
Anno Regni nri Rotulo continetur sic.

Setting forth
the Term and
Year and Num
ber-Roll.

Recoveries.

Cornub' ff. **A** B in ppe' psona sua pte' berz
 .C. D. unum mesuagium, &c.
 as you find it intire on the last Entry taking no
 notice of the *Mittimus* and Transcript of the
Dedimus. See before for the Form of an Exem-
 plification, and the Instructions for the con-
 cluding thereof.

*Proceedings upon a Recovery with double Voucher,
 when the Tenant cometh in Person and prayeth
 Summons against the Vouchee, who appeareth by
 Warrant of Attorney taken before a Judge.*

Observe the
 Form of en-
 tring this Sum-
 mons and
 Warrant of At-
 torney.

Where the Tenant cometh in Person to the
 Bar, and voucheth, and the Vouchee is not pre-
 sent, there the Appearance of the Tenant is re-
 corded, and a Summons prayed and awarded
 against the Vouchee; and thereupon the Te-
 nant may put in a Warrant of Attorney at the
 Bar to appear for him at the Return of the Sum-
 mons; in which case the Writ of Entry is to be
 made, and a note of it is to be taken (as in other
 Cases) into the Margin of the Remembrance,
 in this manner: viz.

Petens in propria persona sua tenens
 in propria persona sua voc' N. B.
 unde sum' in Com' predict' retorn'
 Crastino Trin' Et super hoc pre-
 dict' N. po. lo. suo Henric' T. & A.
 R. conjunctim & divisim versus pre-
 dict' Tho' de predict' placito.

Devon. ff. **P** Recipe H.
 W. quod
 iuste, &c. reddat T. C.
 unum Mesuag' & decem
 Acr' Terre cum p'prietate
 in C. & claud, &c.

Nota.

Note, That a Writ of Summons must be re-
 turnable the 5th Return next after the Return
 of the Writ of Entry, accounting the Return of
 the Writ of Entry for one of the five, and the
 Return

Return of the Summons for another, and so the five Returns are inclusive.

Then must the Remembrance be delivered to a Serjeant at the Bar who will make the Demand, and count against the Tenant, and another Serjeant will be for the Tenant, and vouch and pray a Summons against the Vouchee.

Then an Entry must be made upon the Roll of the Demand and Count and Voucher, and Award of the Summons in this manner.

Devon' ss. **T**homas G. in propria persona sua per' versus Henr' W. unum Mesuagium (ut antea) Et inde pduc' sedam, &c.

Et predictus Henricus in propria persona sua veni & defend' ius suum quando, &c. Et hoc inde ad war' A. B. sum' in Com' p'dia' & habeat eum hic in Cro' Trin' per auxilium Cur', &c. Idem dies dat' est partibus p'dia' hic, &c. Et super hoc p'dia' Henr' po. lo suo H. G. & A. B. conjunctim a divisim & ius p' fact' L. de p'dia' plito, &c.

A Transcript of this Entry must be made in Parchment, and then a Writ of Summons must be made against the Vouchee; the Form whereof I have before set down together with the Return.

Note, When a Recovery is to pass at the Bar, and the Tenant is ready at the Bar, and there voucheth to warranty A. for whom one is ready at the Bar by the Warrant of Attorney, this is void; for in such Case he ought to appear in Person, because without Summons; but where Summons issueth and is entred on the Roll, there he may appear at the Day in Person or by Attorney, at his choice.

1 Leon. c. 104.

Recoveries.

The next thing is to prepare for the Appearance of the Vouchee at the Return of the Summons. The Vouchee may appear in Person if he will ; but the usual way is for him to come by his Attorney. The Warrant of Attorney may be acknowledged before the Ld. Chief Justice of the Common Bench, or Justices of Assize in the County where the Land lieth, or before a Serjeant at Law, or before special Commissioners authorized by a Commission or Writ called a *Dedimus Potestatem*, as before is observed.

A Warrant of Attorney for the Vouchee taken before a Judge.

Devon' ss. **P** Recipe H. W. qd iuste, &c. r. L. . M. unum Mesuagium & decem Acr' cum ptind in C. qd clard, &c.

Devon' ss. **A** B. quem H. W. voc' ad war' po. lo. suo J. M. & L. A. conjunctim & divisim versus T. G. de placito Terre, &c.

The Warrant being signed by the Vouchee and acknowledged, then the Judge subscribeth his Name ; and then the Clerk of the Fines maketh the Transcript of it in Parchment, whereunto the Judge putteth his hand, and so the Clerk delivers it to the Party or his Attorney, after which you must file the Transcript of the Summons and the Writ together, and at the Return of the Writ deliver them to a Serjeant at the Bar, and so the Recovery passeth : The Entry of it is in this form :

Entry

Entry of Summons for the Vouchee.

Alias prout patet Termino Pasche ult
pferit' Rotulo xl. continet' sic Deboñ
R. Thomas G. in propria persona sua per' Blus
Henric' W. unum Deluagium (and so re-
cite the Transcript) versus prefat' Thomam
de predicto plito, &c. Et modo hic ad hunc
diem scilicet p'dict' Crastin' Trin' veni tam p'dict'
Thomas quam p'dict' H. p Henric' G. Attozñ
suum Et p'dict' A. sum, &c. p Johem W. At-
tozñ suum sicut' veni Et gratis (ut ante) Et
inde pduc' sec', &c.

Et p'dict' A. tenens per War' suam defend
sus suum quando, &c. Et ulterius voc' inde
ad War' G. Humston qui plens est hic in Cur'
in propria persona sua Et gratis (ut ante, &c.)
to the end of the Return of the Writ of Sei-
sin.

In this case of a Recovery by Summons,
the Writ of Seisin must bear *Teste* the fourth
day next after the Writ of Summons, then sign
and seal your Writ of Summons and Seisin,
and file them, and file the Warrant of At-
torney with the Clerk of the Warrants; the
Writ of Entry must be filed in time.

Next prepare your Exemplification.

*Proceedings in a Treble Voucher when neither the
Tenant or either of the Vouchees come in Person
but by Warrants taken before a Judge.*

When the Recovery is to be with treble
Voucher, and neither the Tenant nor Vou-
chee do intend to come in Person to the Bar;
Then they must put in Warrants of Attorney.

R 4

When

When the Warrants are to be taken before the Chief Justice or Justice of Assize, the Form of the Warrant is thus:

For the Tenant. Lincoln' ss. **P** Recipe Cōro W. qđ iuste, &c. i Waillo G. decem Mesuag' sū ptin in S. qđ claud, &c.

Lincoln' ss. **E** Dñs W. po. lo. suo J. L. & J. A. conjunctim & divisim & sus W. G. de plito Terre, &c.

For the first Vouchce. Lincoln' ss. **J** D. quem C. W. voc' ad war po. lo. suo J. S. & W. B. conjunctim & divisim versus W. G. de placito Terre, &c. Capr', &c.

For the second Vouchce. Lincoln' ss. **C** D. quem J. D. voc' ad war po. lo. suo W. L. & J. C. conjunctim & divisim versus W. G. de plito Terre, &c.

When the Warrants are thus taken, then sue forth the Writ of Entry and take it in the Remembrance, with this Note in the Margent.

Petens in propria persona tenens p J. L. voc' J. D. unde sum in Com pōit' i Cro Martini. Observe that in this Case, the Writ of Entry was returnable, Tres Trin rib. Car. ji.

Then without drawing at the Bar, an Entry must be made of the Demand, Count, Voucher and award of Summons against the first Vouchce in this manner.

Lincoln'

Lincoln' ff. **W** E. in propria persona sua pet' versus C. M. decem Mesuagia (ut ante reciting the Demand or Declaration to the end) Et inde pduc' scilicet, &c.

Et p'dict' C. p. J. A. Attorn' suum ven' & defend' jus suum quando, &c. Et hoc inde ad war' J. D. sum' in com' p'dict' habeant et' hic in Crō Scti Mart' p' auxilium Cur', &c. Idem dies dat' est partibus p'dict' hic, &c.

The first Summons Roll Trin. Term.

Appearance of Tenant and Award of Summons against the first Vouchee returnable Crast. Mart.

Then the Transcript must be made, and the Writ of Summons against J. D. and at the Return thereof, without taking any thing into the Remembrance, or doing any thing in the Court, another Entry must be made with the award of Summons against the second Vouchee in this manner, upon the second Summons Roll; for you must due Entries make on Record of all your Proceedings as you go on.

Note, That here the Tenant appeared by Attorney, but when he appears in Person at the acknowledgment at the Bar, and appears not also at the Return of the Summons in Person, then there must be a Warrant of

Attorney for the Tenant entered upon the first Summons Roll, as you may see in the next Precedent. See before for the Writ of Summons, and see after pag. 240.

ff. Alias prout patet Termino Scti Trin' ultimo p'eterito Rotulo C. continetur sic Lincoln' ff. M. C. in propria persona sua petit versus C. M. decem Mesuagia (and so take in the whole Record of Trinity Term) Idem dies dat' est partibus p'dict', &c. Et modo hic ad hunc diem scilicet p'dict' Crō Scti Martini ven' tam p'dict' M. in propria persona sua quam p'dict' C. per Attorn' suum p'dict' Et p'dict' J. sum', &c. per J. S. Attorn' suum sicut ven' & gratis Mesuag' & Elementa p'dict' cum prin' ei war', &c. Et super hoc p'dict' M. C. pet' versus ipsum J. D. re-
neid

The second Summons Roll Mich. Term.

Appearance of
the first Vou-
chee and Count.

nen p war suam Desuag' & Teneñta pñia' cu
ptin in forma pñict' &c. Et unde dic' qd ipse
fuit seist de Desuag' & Teneñtis pñia' cum
pertinen in dominico suo ut de feodo & jure
tempore pacis tempore Dñe Regine nunc ca-
piend inde expleß ad valentiam, &c. Et in que,
&c. Et inde pduc' sectam, &c.

Summons for
the second Vou-
chee returnable
Quinden. Hill.

Et pñict' J. D. tenen p war sua defend jus
sua quando, &c. Et ulterius voc' inde ad war'
C. D. sum in Com pñ & habeat eum hic a die
Sci Hil in quinden dies p auxilium Cur',
&c. Idem dies dat' est pñibus pñict' hic, &c.

Observanda.

Then make a Transcript of this Entry and
a Writ of Summons against C. D. the 2d Vou-
chee. Returnable *Quind. Hil.* See before for
the Writ of Summons for the second Vouchee.

This Writ must bear *Teste* the 4th day next
after the Return of the former Writ of Sum-
mons against the first Vouchee, and must be
returnable the fifth Return next after inclusive.

Then file the Transcript and this second
Writ of Summons, (the former Writ of Sum-
mons, and Writ of Entry being filed with the
Custos Brevium) with the Warrants of Attorney
together, and at the Return of the Summons,
deliver all to a Serjeant at the Bar, and so the
Recovery passeth.

When all this is done, the Recovery must
be entred thus, on a third Roll as of *Hillary*
Term.

Alias prout patet *Termino sancti Michis*
ult' preterit' Rotulo xl. continetur sic Alias
prout patet *Termino Sancte Trinitat'* ultim'
preterit' Rotulo C. continetur sic *Lincoln'* fl.
(and so take in the whole Record of *Michael-*
mas)

mas Term) Idem dies datus est partibus p-
dia' hic, &c. Et modo hic ad hunc diem scilicet
p- dia' xv. Sancti Hillarii veni tam predict
Willus in propria persona sua quam p- dict
Edrus & Iohes p- Attorid suos p- red Et p- dia'
Cornelius sum, &c. per Willum T. Attorid
sum similiter veni & gratis (ut ante) Et inde
p-duc sectam, &c.

* As you may
observe by the
next Precedent.

Et p- dia' Cornelius teneus per war' sua
defend' sus suum quando, &c. Et ulterius
hoc inde ad war' Edmund Clent qui p- s- ens
est hic in Cur' in propria persona sua Et
gratis Tenementa p- dia' ei war', &c. Et su-
per hoc p- dia' W. G. petit versus ipsum C.
C. Tenen' p- war' suam Tenementa p- dia' cum
pertin' in forma p- dicta, &c. Et unde dicit
q- d' ipse fuit seisit de Tenementis p- dia' cum per-
tin' in Dominico ut de feodo & iure tempore
pacis tempore Dne Regine nunc capiend' in-
de erples ad valentiam, &c. Et in que, &c.
Et inde p-duc sectam, &c.

Second Vou-
chee appears
and vouches
over the Com-
mon Vouchee,

Demand a-
gainst the
Common Vou-
chee.

Et p- dict C. tenens p- war' suam defend' sus
suum quando, &c. Et dicit quod p- dict Hugo
Hunt non disseisivit p- s- at W. G. de Tene-
mentis p- dia' cum ptin' p- out idem W. G. p-
Breve & Barr' sua p- dia' superius suppon
Et de hoc pon' se super patriam, &c.

Common Vou-
chee pleads to
the Country.

Et p- dia' W. G. pet' licentiam inde inter-
loquendi & habeat, &c. Et postea idem W.
G. reveni hic in Cur' in propria persona sua
Et p- dia' Edrus licet solempnit' exat' non
reveni sed in contempt' Cur' recessit Et de-
sist' fac' Ideo cons' est q- d' p- dict W. G. re-
rupte seisinam suam solus p- s- at C. W. de Te-
nentis p- dict' cu' ptin' Et q- d' idem C. W. ha-
beat de Terra p- dict' J. D. ad valentiam, &c.
Et quod idem J. D. ulterius habeat de
Terra p- dia' C. D. ad valenc', &c. Et q- d' idem
C. D.

Demandant
imparls.

Common Vou-
chee makes de-
fault.

Judgment and
Recovery in
value.

Writ of Seisin
awarded and
returned.

• *Indilate*, be-
cause not 15
days between
the *Teste* and
the end of the
Term.
Demandant
comes into
Court the last
Day of the
Term, and the
Sheriff returns
that Seisin was
delivered three
days before.

C. D. ulterius habeat de Terra p^o Com^o ad
valentiam, &c. Et quod idem Com^o in mid,
&c. Et super hoc p^odict' W. G. per' Bebe
Dn^o Regine Ric^o Com^o p^odict' dirigend^o de ha-
bere faciend^o ei plenar^o seisinam de Tenementis
p^odict' cum p^oind Et ei conceditur recognabile
hic * indilate Postea scilicet duodecim die Febr^o
isto eodem Terminio ven^o hic in Cur^o p^odict'
W. G. in propria p^osona sua Et vic^o videt^o
A. B. Mil^o modo mand^o q^od ipse virtute Ric^o
ill^o sibi direct^o nono die Februarii ult^o p^oterit^o
habere fec^o p^orefato W. G. plenar^o seisinam de
Tenementis p^odict' cum p^oind put^o p^o Bebe il-
lus sibi p^oceptum fuit, &c.

Another Entry of a Recovery and Proceed-
ings with treble Voucher upon Warrants
taken before a Judge.

First Summons
Roll of *Mich.*
Term.

Ebor' ff. **T** W. & R. C. Armig^o in propriis
personis suis per^o versus G. R.
Armig^o & W. B. Gen^o Manerium de R. ad
p^oind (&c.) Et in que idem G. & W. non
habent ingressum nisi post disseisinam quam
Hugo Hunt inde injuste & sine iudicio fecit
p^ofat^o T. W. & R. infra triginta annos jam
ult^o elaps^o, &c. Et unde dic^o q^od ipsimet fuer^o
seisit de Maner^o & Tenementis p^odict' cum p^oind
in dominico suo ut de feodo & jure tempore pa-
cis tempore Domine Regine nunc capiend^o in-
de exple^o ad valentiam, &c. Et in q^o, &c. Et
inde p^oduc^o sectam, &c.

The Writ of
Entry was re-
turnable *Quin-*
den. Martini.

The Tenants
appear this
Term in Per-
son at the Par.

Et p^odict' T. & W. in propriis p^osonis suis
ven^o & defend^o jus suum quando, &c. Et voc^o
inde ad war^o A. C. Wic^o & habeant eam hic in
D^orab. Pur^o beate Marie Virginis Et sum^o
in Com^o p^odict' p^o auxilium Cur^o, &c. Idem dic^o
dar^o est partibus p^odict' hic, &c. Et super hoc
p^odict'

pdia' G. & W. po. lo. suis C. B. & C. G. At-
tor' suos conjunctim & divisim & solus p'fat' W.
& R. de pdia' plito, &c.

Note, Although the Tenants appeared in Person at the acknowledgment at Bar; yet if they appeared not also at the Return of the Summons in Person there must be a Warrant of Attorney for the Tenants entred upon the first Summons Roll, as is afore observed. And also upon the Remembrance under the *Præcipe* for the Writ of Entry of the same Recovery, you must enter a Warrant of Attorney for the Tenants thus,

Ebor' ff **G** A. Armiger & W. B. Gen' Po.
G. lo. suis C. B. & C. G. Attorn'
suos conjunctim & divisim versus T. W. &
R. P. Armig' de plito Terte.

Greenwood.

At the Return of the Summons being *Octab. Pur'*, as above, if the second Vouchee appear by Warrant of Attorney, you must make another Writ of Summons for the latter Vouchee, returnable the fifth Return after the Return of the first Summons and *Teste* of the Return of the first Summons, for one Writ will not serve for both. The Form of the Entry thereof upon the second Summons Roll followeth:

In the Interim file your Writ of Entry and first Summons with the *Custos Brevium*, and then you must prepare Warrants of Attorney for the Vouchees to be taken before a Judge after this manner.

Ebor'

For the
Vouchee.

first Ebor' ff.

A. C. Vidua quam G. R. Ar' & W. B. Gen' voc' ad war' po. lo suo J. S. & W. B. Attorn' suos conjunctim & divisim Hlus T. W. & R. M. Arm' de plito Terre.

And for the second Vouchee.

For the second.

Ebor' ff. **G** B. Gen' quem A. C. Vid' voc' ad war' po. lo. suo J. S. & W. B. Attorn' suos conjunctim & divisim Hlus T. W. & R. M. Ar' de plito Terre.

Capl' & cognit' tertiodecimo die Martii Anno Regni Regine Anne Angl', &c. secundo coram me.

J. M.

Entry on the second Roll:

The second
Summons Roll
of Hill. Term
reciting the
Proceedings
in Mich. Term
on the first
Summons Roll
and awarding
a Writ of Sum-
mons against
the second
Vouchee, re-
turnable *Quin-
que Pasch.*

Alias prout patet Termino Scti Michas-
elis Anno Regni Dñe Regine nunc se-
cundo Rot' huj' continetur sic Ebor' ff. T. W.
& R. M. in propriis personis suis petunt her-
sus G. R. Ar' & W. B. Gen' Manerium de
R. cum pertind ac decem Mesuagia vigin' Ar'
Terre cum pertind in R. ut jus & hereditat' su-
am Et in que iidem C. & W. non habent in-
greß nisi post disseisinam quam Hugo Hunt
injuste & sine judicio fecit p'fat' T. W. & R.
M. infra trigint' annos, &c. Et unde dic'
quod ipsimet fuer' seissit' de Manerio & Tene-
mentis p'dict' cum pertind in Dominico suo
ut de feodo & jure tempore pacis tempore Dñe
Regine nunc capiend' inde expleß ad valen-
tiam, &c. Et in que, &c. Et inde produ-
sectam, &c.

C

Et predict G. & W. in propriis personis suis
venit & defendit ius suum quando, &c. Et hoc in-
de ad war A. C. W. & habeant eam hic in
Octab. Sancti Martini & sunt in Com predict p
auxilium Cur, &c. Idem dies dat' est partibus
predict hic, &c. Et super hoc predict G. & W.
ponunt locis suis C. B. & E. G. conjunctim
& divisim versus prefat T. W. & R. de predict
plito, &c. * Et modo hic ad hunc diem scilicet
predict Octab. Sancti Martini venit tam predict T.
& R. in propriis personis suis quam G. & W.
p C. B. Attorn suum predict Et predict A. suum,
&c. per J. D. Attorn suum venit Et gratis
Panerium & Tenementa predict cum pertinet eis
war, &c. Et super hoc predict T. W. & R. pet'
versus ipsam A. tenent per war suam Pa-
neria & Tenementa predict cum pertinet in for-
ma predict, &c. Et unde dicit quod ipsimet fuer'
seisit' de Panerio & Tenementis p' cum
pertinet in dominico suo ut de feodo & jure tem-
pore pacis tempore Domine Regine nunc ca-
piendo inde expleat ad valentiam, &c. Et in
que, &c. Et inde producit sextam, &c.

* Here ends
the Recital of
the first Sum-
mons Roll of
Mich.

Appearance of,
and Demand a-
gainst the first
Vouchee.

Et predict A. tenens p war suam defendit
ius suum quando, &c. Et ulterius hoc inde
ad war G. B. Venit & habeat eum hic a die
Pasch in quinq septimanas Et sunt in com
predict p auxilium Cur, &c. Idem dies dat' est
tam prefat T. & R. G. & W. quam prefat A.
hic, &c.

Defence of the
first Vouchee
and Summons
for the second
returnable
Quinq; Pasch.

Make your Transcript of this Entry, and a
Writ of Summons returnable in *Craftin' Pur'*,
then file your Transcript and last Writ of Sum-
mons with the Warrants of Attorney together,
and at the Return of this last Summons deli-
ver all to a Serjeant at the Bar, and so the
Recovery passeth.

Then

Then you make out a Writ of Seisin, and prepare for a third Entry of your whole Proceedings and Recovery on a Roll as of Easter Term, and begin it thus, *viz.*

Third Roll of Easter Term whereon is entered (by *Alias prout patet*) the whole Entry of Hill Term. The Appearance of the second Vouchee, and of the Common Vouchee, the Default, Judgment Writ of Seisin and Return.

Alias prout patet Termino Sancti Hilarii Anno Regni Dñi Regine nunc decimo octavo Rotlo 39. continetur sic Alias prout patet Termino Sancti Mich' Anni Regni Domine Regine nunc secundo Rot' 56. continetur sic Ebor' H. T. W. & R. M. in propriis personis suis per versus C. R. Ar' p W. B. Gen' manerium de R. cum pertinenti ac decem mesuagia ac viginti ac' terre cum pertinenti in R. ut ius & hereditatem suam Et in que iidem C & W. non habent ingressum nisi post disseisinam quam Hugo Hunt inde injuste & sine iudicio prefat' T. W. infra triginta annos, &c. Et unde dicitur quod ipsimet fuer' seisi' de manerio & tenementis predicti' cum pertinenti in dominico suo ut de feodo & iure tempore pacis tempore Domine Regine nunc capiendo inde exple's ad valentiam, &c. Et in que, &c. Et inde producit sectam, &c.

Et predicti' C. & W. in propriis personis suis veni' & defendi' ius suum quando, &c. Et hoc inde ad war' A. C. W. & habeant eam hic in O'rab' Pur' beate Marie Virginis suam in Com' p'dicti' p' auxilium Cur', &c. Idem dies dat' est partibus p'dicti' hic, &c. Et super hoc p'dicti' C & W. ponunt in locis suis C. B. & C. G. conjunctim & divisim versus prefat' T. W. & R. M. de p'o p'lico, &c. Et modo hic ad hunc idem seisi' predicti', O'rab' Pur' beate Marie Virginis veni' tam predicti', T. W. & R. M. in propriis personis suis quam p'dicti' C. & W. p' C. B. Actorum suum Et p'dicti' A. suam

Warranty.

sum, &c. p Attoznd suum filit vend Et gratis manerium & Tenementa pda' cum pertind et war, &c. Et super hoc pdict T. W. & R. & P. pet solus ipsam A. tenend p war suam manerium & tenementa pdict cu pertind in forma pdict, &c. Et unde dic quod ipsimet fuer seist de manerio & tenementis pdictis cum pertind in dominico suo ut de feodo & iure tempore pacis tempore Dne Regine nunc capiend inde explez ad valentiam, &c. Et in que, &c. Et inde produc sectam, &c.

Et pdict A. tenens p war sua defend sus suum quando, &c. Et ulterius hoc inde ad war G. H. Gen' habeat eum hic a die pasch in quinque septimanas sum in Comd pdict p auxilium Cur, &c. Idem dies dat est tam pfa' T. & R. G. & W. quam pfa' A. hic, &c. * Ad quem diem hic vend tam pdict

* Here ends the Recital of Hill. Roll.

T. W. & R. & P. in propriis personis suis quam pdict G. & W. & pdict A. p Attoznd suum pdict Et pdict G. H. modo sum, &c. per J. S. Attoznd suum filit vend Et gratis maneria & tenementa pdict cum pertind et war, &c. Et super hoc pdict T. W. & R. & P. pet versus ipsum G. tenend per war suam maneria & tenementa pdict cum pertind in forma pdict, &c. Et unde dic quod ipsimet fuer seist de manerio & tenementis pdict cum pertind in dominico suo ut de feodo & iure tempore pacis tempore Dne Regine nunc capiend inde explez ad valentiam, &c. Et in que, &c. Et inde produc sectam, &c.

Warranty.

Demand against the second Vouchee.

Et pdictus G. tenens per war suam defend sus suum quando, &c. Et ulterius hoc inde ad war Comundum Clent qui similiter presens est hic in Cur in propria persona sua & gratis manerium & tenementa pdict cum pertind ei war, &c. Et super hoc pdict

Second Vouchee vouches over common Vouchee.

[Vol. I.]

S

T. W.

Warranty by
and Demand
against the
common Vou-
chee.

T. W. & R. M. pet **W**lus ipsum **C.** tenend per
war suam manerium & tenementa p^odict' cum
p^ortin in forma p^odicta, &c. Et unde dic' quod
ipsamet fuer' seisi^t de manerio & tenementis
p^odict' cum p^ortin in dominico suo ut de feodo
& iure tempore pacis tempore **Dn^e Regine**
nunc capiend' inde exple^s ad valentiam, &c.
Et in que, &c. Et inde p^oduc' sectam, &c.

Common Vou-
chee pleads to
the Country.

Et p^odict' **Edmundus** tenens p^o war sua
defend' ius suum quando, &c. Et dic' quod p^o
Hugo Hunt non disseisibit p^ofat **T. W. & R. M.**
de manerio & tenementis p^odict' cum p^ortin
p^out idem **T. W. & R. M.** p^o **Wrebe**, &c. & de
hoc pon' se sup patriam, &c.

Demandants
imparl.

Et p^odict' **T. W. & R. M.** pet licentiam
inde interloquendi & habent, &c. Et postea
iidem **T. W. & R. M.** reven' hic in Cur' in
p^opriis p^osonis suis & p^odict' **Edmundus** licet
solempniter exart non reven' set in contempt'

Common Vou-
chee makes
Default.

Cur' recessit & defalt fec' Ideo consideratum
est quod p^odict' **T. W. & R. M.** recuperent seisi-
nam suam **W**lus p^ofat **C. & W.** de manerio &
tenementis p^odict' cum p^ortin Et quod iidem
C. & W. habeant de terra p^odict' **A.** ad va-
lentiam, &c. Et quod eadem **A.** ulterius ha-
beat de terra p^odict' **C. H.** ad valentiam, &c.
Et quod p^odict' **C. H.** alterius habeat de terra
p^odict' **Edmundi** ad valentiam, &c. Et idem
Edmundus in mia, &c. Et super hoc p^odict'

Miseriordia.

T. W. & R. M. pet **Wrebe** **Dorn** **Regine** **Wic**
Corn p^odict' dirigend' de habere faciend' eis
plenariam seisinam de manerio & tenemens
tis p^odict' cum p^ortin Et eis conceditur retor-
nabile hic indilate. Postea scit' nono die **Wili**
isto eodem **Termino** ven' hic in Cur' p^odict'
T. W. & R. M. in p^opriis personis suis Et
Wic videt' **T. L.** **Wip** modo mand' quod ipse
virtute **Wrevis** ill' sibi direct' septimo die
Wili

Writ of Sei-
awarded retur-
nable indilate
because not 15
Days betwixt
the Teste and
Return.

Patet ult pterit habere fecit ptesat T. W. & R. P. plenariam seisinam de manerio & tenementis pdict cum pertin pout per Breve illud sibi pceptum fuit, &c.

Next prepare for your Exemplification as in others.

Note, These Warrants in Case of a treble Voucher, may be taken by special Commission, one for the Tenant, (if necessary) and another for the Vouchees, and then Entries must be made according to the former Direction by *Mittimus*, &c.

The Form of a Recovery Als pout patet, with double Voucher, where the Tenant appears in Person, and the Vouchee by Attorney.

HIL 23 & 24 Car' secundi Regis Rotlo 62. cum Wypley. Alias put patet Termino Sancti Michaelis ult pterit Rotlo 215. continetur sic Porthe li. A. D. Gen' in ppria persona sua pet' Hus W. A. unid mesuag duo gardina tres acr' terr' duas acr' pastur' & coiam pastur' per omnibus Aberis cum pertin' in Towcester ut jus & heres sua Et in que idem W. non habet ingressum nisi post disseisinam quam Hugo Hunt inde injuste & sine iudicio fecit ptesat A. infra triginta annos, &c. Et inde dic' quod ipsemet fuit seisit de tenementis & communia pdict cum pertin' in domino suo ut de feodo & iure tempore pacis tempore Dne Regine nunc capiend' inde exles ad valentiam, &c. Et in que, &c. Et in pduc sextam, &c.

Second Roll of Hill. Term. Writ of Entry returnable Quind. Mart.

Summons re-
tornable *Ostob.*
Pur. Warrant
of Attorney for
the Tenant.

Et predictus *M.* in propria persona sua vend
& defend jus suum quando, &c. Et voc inde
ad war *F. A.* Viduam suam in Com^o p^odict
habeat eam hic in Octabis Purificationis beate
Marie p^o auxilium Cur^o, &c. Idem dies dat
est partibus p^odictis hic, &c. Et super hoc p^ore-
dictus *M.* po. lo. suo *T. H. & R. G.* Attoz^o
suos conjunctim & divisim versus p^orefat *A.*
de p^odict placito &c. Ad quem diem hic vend
eam p^odict *A.* in propria p^osona sua quam p^odict
M. p^o p^odict *T.* Attoz^o suum Et p^odict *F.*
suam, &c. per *A. G.* Attoz^o suum s^olit vend
& gratis tenementa & communiam p^odict cum per-
tin^o ei war^o, &c. Et super hoc p^odictus *A.* pet
s^olus ipsam *F.* tenen^o p^o war^o suam tenementa
& communiam p^odict cum p^otin^o in forma p^odicta,
&c. Et unde dic^o quod ipsemet fuit seissit de
tenementis & communia p^odict cum perti-
nen^o in dominico suo ut de feodo & jure tem-
poze pacis tempore Domine Regine nunc ca-
piendo inde exple^o ad valentiam, &c. Et in
que, &c. Et inde p^oduc^o sectam, &c.

Common Vou-
chee.

Et p^odicta *F.* tenens p^o war^o suam defend
jus suum quando, &c. Et ulterius voc inde
ad war Edmundum Clent qui similiter p^osens
est hic in Cur^o in propria persona sua & gra-
tis tenementa & communiam p^odict cum p^otin^o
ei war^o, &c. Et super hoc p^odict *A.* pet versus
ipsum Edmundum tenen^o p^o war^o suam tene-
menta & Communiam p^odict cum p^otin^o in
forma p^odict, &c. Et unde dic^o q^o ipsemet fuit
seissit de tenementis & Communia p^odict cum
p^otin^o in dominico suo ut de feodo & jure tem-
poze pacis tempore Domine Regine nunc ca-
piendo inde exple^o ad valentiam, &c. Et in
que, &c. Et inde p^oducit sectam, &c.

Et

Et predictus Edmundus tenens p war suam defend jus suum quando, &c. Et dicit qd predictus Hugo non disseisivit prefat A. de tenementis & communia predicta cum predicto prout idem A. per Breve & Narrationem sua predicti superius supponit Et de hoc ponit se super Patriam, &c.

Et predictus A. peti licentiam inde interloquendi Et habet, &c. Et postea idem A. revent hic in Cur isto eodem Termino in propria persona sua Et predictus Edmundus licet solempniter exat non revent set in contemptum Cur recessit & default facit Ideo consideratum est quod predictus A. recuperet seisinam suam versus prefat W. de tenementis & communia predicta cum predicto Et quod idem W. habeat de terra predicta J. ad valentiam, &c. Et quod eadem J. ulterius habeat de terra predicta Edmundi ad valentiam, &c. Et idem Edmundus in mia, &c. Et super hoc predictus A. petit breve Dne Regine Wic Com predicti dirigend de habere faciend ei plenam seisinam de tenementis & communia predictis cum predicto Et ei conceditur retornabile hic a die Pasche in quindecim dies, &c. Ad quem diem hic venit predictus A. in propria persona sua Et vic videlicet W. L. Miles modo mand quod ipse virtute brevis predicti sibi directi duodecimo die Parci ult preit habere fecit prefat A. plenariam seisinam de tenementis & communia predictis cum predicto put p breve illud sibi preceptum fuit, &c.

Non disseisivit.

Default by common Vouch.

Judgment and Recovery in Value.

Seisin retornable first Return of Easter Term.

Seisin delivered about the middle Time.

Entry of Recovery by alias prout patet
the same Term, with double Voucher by
Summons.

The Writ of
Entry was re-
turnable *Quin-*
den' Pas.

Alias put patet isto eodem Termino Rot
rlb continetur sic Civitas Coventræ ff.
Franciscus Estwick in propria persona sua pe-
tit versus Richardum Copson sex mesuagia
duodecim gardina decem acras prati septua-
ginta acras pasture & communiam pasture pro
omnibus averiis cum pertinentiis in Stoke ut jus
& hereditatem suam Et in que idem Ri-
chardus non habet ingressum nisi post disseis-
sinam quam Hugo Hunt inde iniuste & sine ius-
dicio fecit prefat Francisco infra triginta an-
nos, &c. Et unde dicitur quod ipsemet fuit seisi-
tus de tenentis & communia predictis cum pertinentiis
in dominico suo ut de feodo & iure tempore
pacis tempore Domine Regine nunc capiendū
inde expleat ad valentiam, &c. Et in que, &c.
Et inde producat sectam, &c.

The Summons
Cro. Ascenc. be-
ing the last re-
turn of *Easter*
Term.
Warrant of
Attorney for
Tenant.

Et predictus Ricus in propria persona sua
venit & defendit ius suum quando, &c. Et vocat
inde ad war Isaacum Estwicke suum in Con-
dicto habeat eum hic in crastino Ascensionis
Domini per auxilium Curie, &c. Idem dies
datus est partibus predictis hic, &c. Et super hoc
predictus Ricus po. lo. suo Thomam Midnell &
Johannem Cook Attozū suos conjunctim & di-
visim versus prefat Franciscum ad lucrandum vel
prodeum de predicto placito, &c. Ad quem diem
hic venit tam predictus Franciscus in propria
persona sua quam predictus Ricus per predictum Tho-
mam Midnell Attozū suum Et predictus Isaacus
suum, &c. per Henricum Green Attozū
suum similiter venit & gratis tenementa &
communiam predictam cum pertinentiis ei war, &c. Et

super

super hoc p̄dictus Franciscus petit versus ipsum Isaacum tenendū per war suam tēta & communiam p̄dict cum p̄tin in forma p̄dicta, &c. Et unde dicit quod ipsemet fuit seiscus de tētis & communia p̄dict cum p̄tin in dominico suo ut de feodo & iure tempore pacis tempore Dñe Regine nunc capiendū inde expleš ad valentiam, &c. Et in que, &c. Et inde p̄ducit sectam, &c.

Et p̄dictus Isaacus tenens p war suam defendē suū quando, &c. Et ultius vocat inde ad war Georgium Humpston qui similiter plens est hic in Cur in p̄pria persona sua & gratis tenementa & communiam p̄dict cum p̄tin ei war, &c. Et super hoc p̄dictus Franciscus petit versus ipsum Georgium tenendū per war suam tēta & communiam p̄dict cum p̄tin in forma p̄dicta, &c. Et unde dicit qđ ipsemet fuit seiscus de tenementis & communia p̄dict cum p̄tin in dominico suo ut de feodo & iure tempore pacis tempore Domine Regine nunc capiendū inde expleš ad valentiam, &c. Et in que, &c. Et inde p̄ducit sectam, &c.

Common Voucher.

Et p̄dictus Georgius tenens p war suam defendē suū quando, &c. Et dicit qđ p̄dict Hugo non disseisibit p̄fat Franciscum de tētis & communia p̄dict cum p̄tin p̄ut idem Franciscus p breve & narrationem sua p̄dicta superius suppon' Et de hoc pon' se super patriam, &c.

Et p̄dictus Franciscus petit licentiā inde interloquendi Et habet, &c. Et postea idem Franciscus reven' hic in Cur isto eodem termino in p̄pria p̄sona sua & p̄dict Georgius licet solempniter exact non reven' set in contempt Curie recessit & default fecit Ideo cons est qđ p̄dict Franciscus recuperet seiscinā suā s̄lus p̄fat

Nota, The Summons was returnable so late in the Term, that the Writ of Seisin could not be returnable indilate, for it was Teste the last Day of the Term, which was the

S 4

Richar

Teste Day of Cro. Ascenc. neither could it be returnable the first of Trinity Term, because not 15 Days between the Teste Day and Return.

Richardum de tenementis & communia p̄d cum
p̄t̄d Et quod idem Richardus habeat de terra p̄d
Isaaci ad valentiam, &c. Et quod idem Isa-
cus ultius habeat de terra p̄dicti Georgii ad
valentiam, &c. Et idem Georgius in mia, &c.
Et super hoc p̄dictus Franciscus petit bre
Domine Regine vic' Com' p̄dict dirigend de ha-
bere faciend ei plenariam seisinam de tenemen-
tis & communia p̄dict' cum p̄t̄d Et ei conce-
ditur recognabile hic in octabis Sancte Tri-
nitatis, &c. Ad quem diem hic veni p̄dictus
Franciscus in propria persona sua Et vic' vi-
dit Johes Daniel & Thomas Geary modo
mand quod ipsi virtute brevis illius sibi directi
vicecimo die p̄t̄i ult' p̄terit' habere fec' p̄fat
Francisco plenariam seisinam de tētis & com-
munia p̄dictis cum p̄t̄d put p' bre illud sibi
p̄cept fuit, &c.

Exemplification of a Recovery, double Vou-
cher, with great Variety of Parcels.

CAROLUS Dei Gratia Anglie Scocie
Francie & Hibernie Rex Fidei Defens-
sor, &c. Omnibus ad quos p̄sentes Litere
nostre p̄benerint salutem Sciatis quod inter
placita terre irrotulata apud Westm̄ coram
Thoma Richardson Milite & locis suis Jus-
tic' nostris de Banco de Termino Sancti
Hilarii Anno Regni nostri secundo Rotulo
xxxvi continetur sic Alias prout patet Ter-
mino Sancti Michaelis ult' p̄terit' Rotulo
lxxi continetur sic Cess' ff. T. H. & A. p̄.
in propriis p̄sonis suis petunt versus C. D.
generosum manerium de D. cum p̄t̄d ac duo
mesuagia ducentas acras terre centum as-
cras p̄ati centum & quinquaginta acras pa-
ture decem acras bosci communiam pasture
liberam

Wm of Eury
was returnable
Quindm Mar-
ch.

liberam piscariam feod' milit' ward' maritag'
 elcaet relevia cur' & cur' let' & vis' franci plegii
 cum p'rid in D. als D. parva magna T.
 alias T. Majori S. & F. Pecnon rectoriam
 de D. alias D. parva cum p'rid Acetiam
 omnes & omnimodas decimas oblationes &
 obventiones quascunque annuatim p'beniend'
 crescend' & renovand' in parva D. Ac advoca-
 tionem vicarie ecclesie de parva D. ut jus
 & hereditatem suam Et in que idem C. non
 habet ingressum nisi post disseisinam quam
 Hugo Hunt inde injuste & sine iudicio fecit
 p'fat' T. & A. infra triginta annos, &c. Et
 unde dicunt quod ipsimet fuerunt seisciti de
 manerio tenementis communia libera pesca-
 ria feod' milit' ward' maritag' elcaet releviis
 cur' cur' let' visu franci plegii rectoria deci-
 mis oblationibus & obventionibus p'dictis cum
 p'rid in dominico suo ut de feodo & iure ac
 de advocacione p'dicta ut de feodo & iure tem-
 poze pacis tempore Domini Regis nunc ca-
 piendo inde explez ad valentiam, &c. Et in
 que, &c. Et inde producant lect', &c. Et p'o
 C. in p'pria p'sona sua venit & defendit ius
 suum quando, &c. Et vocat inde ad waran-
 tizand' R. Comit' S. sum' in Comitatu p'dicto
 habeat eum hic in Crastino Purificationis
 Beate Marie p' auxilium Cur', &c. Ide' dies
 datus est partibus p'dictis hic, &c. Et sup'
 hoc p'dictus C. ponit loco suo W. W. Attorn'
 suum versus p'fatos T. & A. de p'dicto pla-
 cito Et modo hic ad hunc diem venerunt tam
 p'dicti T. & A. in p'p'riis personis suis quam
 p'dictus C. per Attornatum suum p'dic-
 tum Et p'dictus Comes S. sum', &c. per
 R. W. Attornatum suum similiter venit Et
 gratis manerium tenementa Communiam
 liberam piscariam feod' milit' ward' mari-
 tag'

Summons re-
 tornable, Gra-
 Pur.
 Tenant puts
 in Warrant of
 Attorney.

tag' escaet relebiis cur' cur' let' visum franci
 plegii rectoriam decimas oblationes & ob-
 ventiones p'dict' cum pertin' ac advocacionem
 p'dictam ei war', &c. Et super hoc p'dicti
 T. & A. petunt versus ipsum Comitem te-
 nentem per warantiam suam manerium te-
 nementa communiam liberam piscariam feod'
 milit' ward' maritag' escaeta relebia cur' cur'
 let' visum franci plegii rectoriam decimas ob-
 lationes & obventiones p'dict' cum pertin' ac
 advocacionem p'dictam in forma p'dicta, &c.
 Et unde dicunt qd' ipsimet fuerunt seisciti de ma-
 nerio tenementis communia libera piscaria
 feod' milit' ward' maritag' escaetis relebiis
 cur' cur' let' visu franci plegii rectoria deci-
 mis oblationibus & obventionibus p'dictis
 cum pertin' in dominico suo ut de feodo & jure
 ac de advocacione p'dicta ut de feodo & jure
 tempore pacis tempore Domine Regine nunc
 capiendo inde explez ad valentiam, &c. Et in-
 que, &c. Et inde producunt sextam, &c. Et
 p'dictus Comes tenens p' war' suam defendit
 jus suum quando, &c. Et vocat inde ad waran-
 tizand' Edwardum * Howse qui similiter pres-
 lens est hic in Cur' in propria persona sua Et
 gratis manerium tenementum communiam li-
 beram piscariam feod' milit' ward' maritag'
 escaeta relebia cur' cur' let' vis' franci plegii
 rectoriam decimas oblationes & obventiones
 p'dict' cum pertin' ac advocacionem p'dictam ei
 war', &c. Et super hoc p'dicti T. & A. petunt
 versus ipsum Edwardum tenentem per war-
 rantiam suam manerium tenementa commu-
 niam liberam piscariam feod' milit' ward' ma-
 ritag' escaeta relebia cur' cur' let' vis' franci
 plegii rectoriam decimas oblationes & obven-
 tiones p'dict' cum pertin' ac advocacionem p'di-
 ctam in forma p'dicta, &c. Et unde dicunt

The common
 Vouchee.

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quod ipsimet fuerunt seisciti de manerio tenementis communia libera piscaria feod milit ward maritag escaet relevis cur' cur' let visu franci plegii rectoria decimis oblationibus & obventionibus p'dict cum pertind in dominico suo ut feodo & jure ac de advocacione p'dicta ut de feodo & jure tempore pacis tempore Dne Regine nunc capiendo inde expless ad valentiam, &c. Et in que, &c. Et inde producant sectam, &c. Et p'dictus Edwardus tenens per warrantiam suam defendit jus suum quando, &c. Et dicit quod p'dictus Hugo non disseisvit p'atos C. & A. de manerio tenementis communia libera piscaria feod milit wardis maritagiis escaetis relevis cur' cur' let visu franci plegii rectoria decimis oblationibus & obventionibus p'dict cum pertind ac de advocacione p'dicta prout iidem T. & A. per breve & narrationem sua p'dicta superius supponunt Et de hoc ponit se super patriam, &c. Et p'dicti T. & A. petunt licentiam inde interloquendi Et habent, &c. Et postea iidem T. & A. reveid hic in Cur' isto eodem termino in propriis personis suis Et p'dictus Edwardus licet solempniter exactus non reveid et in contemptum Curie recessit & defaultam facit Ideo consideratum est quod p'dicti T. & A. recuperent seisinam suam versus p'efatum C. D. de manerio tenementis communia libera piscaria feod milit ward maritag escaetis relevis curie cur' let visu franci plegii rectoria decimis oblationibus & obventionibus p'dictis cum pertind ac de advocacione p'dicta Et quod idem C. habeat de terra p'dicti Comitis ad valentiam, &c. Et quod idem Comes ulterius habeat de terra p'dicti Edwardi ad valentiam, &c. Et idem Edwardus in misericordia, &c. Et super hoc p'dicti T. & A. petunt

Seisin retornabile indilate.

Demandant comes into Court last Day of Term and Sheriff returns that Seisin was delivered three Days before.

petunt Breve Domine Regine Vicecomiti Comitatus predicti dirigend de habere faciend ei plenariam seisinam de manerio tenementis communia libera piscaria feod milit ward maritag escaetis relevis curie cur let visu franci plegii rectoria decimis oblationibus & obventionibus predictis cum pnd ac de advocacione predicta Et eis conceditur recognabile hic indilate, &c. Postea scilicet duodecimo die Febr isto eodem Termino venit hic in Cur predicti T. & A. in ppiis psonis suis Et videlicet T. R. de R. Armig modo mand quod ipse virtute brevis predicti sibi directi nono die Febr ult pterit habere fecit pfatis T. & A. plenaria seisinam de manerio tenementis communia libera piscaria feod milit wardis maritagis escaetis relevis cur cur lete visu franci plegii rectoria decimis oblationibus & obventionibus pd cum pnd ac de advocacione pd put p breve illud sibi pceptum fuit, &c. Que omnia & singula ad requisicion predicti T. & A. tenore presentium duximus exemplificand In cuius rei testimonium sigillum nostrum ad brevia in Banco predicto sigilland deputat presentibus apponi fecimus teste T. Richardson apud Westm 12 die Febr Anno Regni nostri vicesimo primo Brownlowe.

The Form of a Recovery with double Voucher, where the Vouches appear upon Summons.

The second Summons Roll. The Writ of Entry was returnable Cr. Animarum.

Alias p patet Termino Sancti Michis ult preterit Rotulo 211. continetur sic Villa nobi Castri sup Tynam. A. Thomas Steele & Rolandus Kirkley in ppiis psonis suis petunt versus Robertum par

sex mesuagia cum p̄ciū in Villa nobi Castri
 sup Tynam ut jus & hereditatem suam Et
 in que idem Robertus non habet ingressum
 nisi post disseissinam quam Hugo Hunt inde
 injuste & sine iudicio fecit prefatis Thome &
 Rolando infra triginta annos, &c. Et unde
 dicunt quod ipsimet fuerunt seisi de sex me-
 suagiis p̄dictis cum p̄ciū in dominico suo ut
 de feodo & iure tempore pacis tempore Dñe
 Regine nunc capiendo inde explez ad valen-
 tiam, &c. Et in que, &c. Et inde produciunt
 sedam, &c. Et p̄dictus Robertus in p̄pria per-
 sona sua venit & defendit jus suum quando, &c.
 Et vocat inde ad war' Michaelem Durham &
 Martham uxorem ejus & Robertum Steel &
 Abigailam uxorem ejus sum in Comd p̄dicto
 habeat eos hic in Octabis Sancti Hillarii per
 Auxilium Cur', &c. Idem dies datus est p̄ci-
 bus p̄dictis hic, &c. Et sup hoc p̄dictus Ro-
 bertus Park ponit loco suo Thomam Midnel &
 Thomam Hunt Attoznatos suos conjunctim
 & divisim versus p̄fat Thomam Steel & Rolan-
 landum de p̄dicto p̄lito, &c. Ad quem diem
 hic veni tam p̄dicti Thomas Steel & Rolan-
 dus in p̄p̄iis p̄sonis suis quam p̄dictus Ro-
 bertus Park p̄ p̄dicto Thomam Midnel Attozñ
 suum Et p̄dicti Michael & Martha & Ro-
 bertus Steel & Abigail sum, &c. p̄ Radulphum
 Wild Attozñ suum similiter veni Et gra-
 tis sex mesuagia p̄dicta cum p̄ciū ei war', &c.
 Et sup hoc p̄dicti Thomas Steel & Rolandus
 petunt versus ipsos Michaelem & Martham
 Robertum Steel & Abigailam tenentes per
 war' suam sex mesuagia p̄dicta cum p̄ciū in
 forma p̄dicta, &c. Et unde dicunt quod ipsimet
 fuerunt seisi de sex mesuagiis p̄dictis cum
 p̄ciū in dominico suo ut de feodo & iure tem-
 pore

Summons re-
 tornable *Oct. Hill'.*

Warrant of
 Attorney for
 Tenant.

poze pacis tempore Domine Regine nunc capi-
endo inde expleſ ad valentiam, &c. Et in que,
&c. Et inde produc' ſectam, &c.

Common Vou-
chee.

Et p'dict Michael & Martha & Robertus Steel
& Abigail tenentes per war' ſuam defendunt
ſus ſuum quando, &c. Et ultius vocant inde
ad war' Edmundum Clent qui ſimiliter p'ſens
eſt hic in Cur' in propria perſona ſua Et gratis
ſex meſuagia p'dict cum p'rtin' eis war', &c. Et
ſup hoc p'red' Thomas Steel & Rolandus pe-
tunt verſus ipſum Edmundum tenentem per
war' ſuam ſex meſuagia p'red' cum p'rtin' in
forma p'red', &c. Et unde dicunt quod ipſimet
fuerunt ſeiſiti de ſex meſuagiis p'd cum p'rtin'
in dominico ſuo ut de feodo & jure tempore
pacis tempore Domine Regine nunc capiendo
inde expleſ ad valentiam, &c. Et in que, &c.
Et inde produc' ſectam, &c.

Et p'red' Edmundus tenens per war' ſua de-
fendit ſus ſuum quando, &c. Et dicit q'd p'd
Hugo non diſſeiſivit p'ſatos Thomam Steel
& Rolandum de ſex meſuagiis p'd cū p'rtin'
p'out iidem Thomas & Rolandus per breve
& narrationem ſua p'red' ſuperius ſupponunt Et
de hoc ponit ſe ſup patriam &c. Et p'd Thomas
Steel & Rolandus petunt licentiam inde in-
terloquendi Et habent, &c. Et poſtea iidem
Thomas & Rolandus reven' hic in Cur' iſto
eodem termino in p'p'is perſonis ſuis Et
p'd Edmundus licet ſolempnit' erad' non re-
ven' ſet in contempt' Cur' reſeſſit Et default
fecit Ideo conſ' eſt q'd p'd Thomas Steel & Ro-
landus recuperent ſeiſinam ſuam verſus p're-
ſat Robertum Park de ſex meſuagiis p'dict cū
p'rtin' Et quod idem Robertus habeat de tra-
p'dictor' Michaelis & Marthe & Roberti Steel
& Abigaille ad valentiam, &c. Et q'd iidem
Michael & Martha Robertus & Abigail ulte-

ius habeant de terra p̄dicti Edmundi ad va-
lentiam, &c. Et idem Edmundus in m̄ia, &c.
Et sup hoc p̄dicti Thomas Steel & Rolandus
petunt breve Domine Regine vic ville p̄dicte
dirigend de habere facient eis plenariam sei-
sinam de sex mesuagiis p̄dictis cum p̄cin Et
eis conceditur retornabile hic in Octabis Pu-
ificationis Beate Marie, &c. Postea sc̄it̄ duo-
decimo die Februarii isto eodem termino ven-
it in Cur p̄d Thomas Steel & Rolandus
in propriis personis suis Et vic videlicet
Robertus Jennison modo mand quod ipse vic
ante brevis p̄dict sibi direct sc̄do die Februarii
ut p̄terit habere fecit p̄fat Thome Steel &
Rolando plenariam seisinam de sex mesuagiis
p̄dict cum p̄cin put per breve illud sibi pre-
ceptum fuit, &c.

Seisin retor-
ble last Return
of Hill. Term.

Demandants
come into
Court last Day
of the Term,
and Sheriff re-
turns that Sei-
sin was delive-
red 9 Days be-
fore.

The Form of a Recovery with double Vou-
cher, of some intire Parcels, and of a
Moiety of other Parcels passed at Bar.

Thor' ff. **J**acobus Creswick & Edius Cres-
wick in propriis personis suis pe-
tunt versus Antonium Ellis duo mesuagia
uno gardina duas acras terre duas acras prati
duas acras pasture cum p̄tin in Sheffield
Barnon medietatem unius mesuagii duorum
ardinozum viginti acrarum Tre triginta acras
um prati viginti acrarum pasture & quin-
uaginta acrarum jampnoꝝ & buere cu per-
in Sheffield Eccleshal & Hallam ut jus
hereditatem suam & in que idem Antonius
on habet ingressum nisi post disseisinam quam
Hugo Hunt inde injuste & sine iudicio fecit
refatis Jacobo & Edwardo infra triginta
annos, &c. Et unde dicunt quod ipsimet fue-
runt

Writ of Entry
was retornable
Quind' Martini
because so late
that Seisin was
awarded next
Term.

runt seisiſti de tenementis & medietate p̄d cum p̄t̄id in dominico suo ut de feodo & iure tempore pacis tempore Domine Regine nunc capiēdo inde expleſſ ad valentiam, &c. Et in que, &c. Et inde produc̄ ſectam, &c.

Tenant appears at Bar and vouches over.
Vouchee appears at Bar and enters into Warranty.

Et p̄dictus Antonius in propria persona ſua venit & defendit ſus ſuum quando, &c. Et vocat inde ad war̄ Georgium Petry qui p̄ſens eſt hic in Cur̄ in propria persona ſua Et gratis tenementa & medietatem p̄dict cum p̄t̄id eis war̄, &c. Et ſuper hoc p̄dictus Antonius petit verſus ipſum Georgium tenentem per war̄ ſuam tenementa & medietatem p̄dict cum p̄t̄id in forma p̄dicta, &c. Et unde dicunt quod ipſimet fuerunt ſeiſti de tenementis & medietate p̄dictis cum p̄t̄id in dominico ſuo ut de feodo & iure tempore pacis tempore Domine Regine nunc capiēdo inde expleſſ ad valentiam, &c. Et in que, &c. Et inde produc̄ ſectam, &c.

Calls over the Common Vouchee.

Et p̄dictus Georgius tenens per war̄ ſuam defendit ſus ſuum quando, &c. Et ulterius vocat inde ad war̄ Edmundum Clent qui ſimiliter p̄ſens eſt hic in Cur̄ in propria persona ſua & gratis tenementa & medietatem p̄dict cum p̄t̄id ei war̄, &c. Et ſuper hoc p̄dictus Georgius petit verſus ipſum Edmundum tenentem per war̄ ſuam tenementa & medietatem p̄dict cum p̄t̄id in forma p̄dicta, &c. Et unde dicunt quod ipſimet fuerunt ſeiſti de tenementis & medietate p̄dict cum p̄t̄id in dominico ſuo ut de feodo & iure tempore pacis tempore Dñe Regine nunc capiēdo inde expleſſ ad valentiam, &c. Et in que, &c. Et inde produc̄ ſectam, &c.

Et predictus Edmundus tenens per war^{Non disseisivit.} suam defendit ius suum quando, &c. Et dicit qd predictus Hugo non disseisivit pfatos Jacobum & Edwardum de tenementis & medietate pdictis cum pertin^{et} p^{ro}nt^{et} iidem Jacobus & Edwardus p^{er} breve & narratione^m sua pdicta superius suppon^{it} Et de hoc ponit se super par^{tem} triam, &c.

Et pdicti Jacobus & Edwardus petunt licen^{Impar lance} tia inde interloquendi Et habent, &c. Et po^{and Default by} stea iid^{Common} Jacobus & Edwardus reven^{Vou. hec.} hic in

Cur isto eodem Termino in p^{ro}priis p^{ro}sonis suis Et pdictus Edmundus licet solempnit^{er} exact non reven^{it} set in contempt^u Curie recessit & defaultam fecit ideo cons^{ens} est quod pdicti Jacobus & Edwardus recuperent seisinam suam^{Judgment and Recovery in Value.} versus p^{re}fat^{um} Antonium de tenementis & medietate pdictis cum p^{ro}tin^{et} Et quod idem

Antonius habeat de terra pdicti Georgii ad valentiam, &c. Et quod idem Georgius ult^{imus} habeat de terra pdicti Edmundi ad valentiam, &c. Et idem Edmundus in mia^{is}, &c. Et sup^{er} hoc pdicti Jacobus & Edwardus petunt breve D^{omi}ni Regine Wic^{om} Com^{itis} pdicti dirigens de ha^{be}re faciend^{um} eis plenariam seisinam de tene^{mentis} & medietate pdictis cum p^{ro}tin^{et} Et eis^{Seisin returnable the first return of Hill. Term.}

conceditur recognabile hic in Ma^gabis Sancti Pillarii, &c. Ad quem diem hic ven^{it} pdicti Jacobus & Edwardus in p^{ro}priis p^{ro}sonis suis Et vic^{el} videlicet H. M. Armiger modo mand^{at} quod ipse virtute brevis pdicti sibi directi vice^{mo} die Decembris ult^{imus} p^{re}fix^{it} habere fecit p^{re}fat^{um} Jacobo & Edwardo plenariam seisinam de tenementis & medietate pdictis cum p^{ro}tin^{et} n^{on} put^{at} p^{er} breve illud sibi p^{re}cept^{um} fuit, &c.

The Form of a Recovery, where the Tenant appears by Attorney, and vouches several Persons, for several Lands in several Towns, who appear by Summons.

The Writ of Entry was returnable *Tres Mich.*

Kanc. ff. **J.** P. in propria persona sua petit versus L. A. tria mesuagia tria gardina quinquaginta acras terre quadraginta acras prati & sexaginta acras marisci cum pertinentiis in S. & C. ut jus & hereditatem sua & in que idem L. non habet ingressum nisi post disseisinam quam Hugo Hunt inde injuste & sine iudicio fecit p̄fat. A. infra triginti annos, &c. Et und die quod ipsemet fuit seiscitus de tenementis p̄dict cum p̄ciñ in dominico suo ut de feodo & jure tempore pacis tempore Domine Regine nunc capiendū inde expleñ ad valentiam, &c. Et in que, &c. Et inde producat legem, &c.

Tenant appears by Attorney and vouches over.

Et p̄dictus L. per C. B. Attornū suū venit & defendit jus suū quando, &c. Et quoad duo mesuagia duo gardina triginta acras terre viginti acras prati & quadraginta acras marisci in S. p̄dict de tenementis p̄dict superius petit parcell vocat inde ad war C. W. Et quoad unum mesuagium unum gardinum viginti acras terre viginti acras prati & viginti acras marisci de tenementis p̄dict cum p̄ciñ superius petit residū idem L. vocat inde ad war C. W. & B. uxorem ejus respondere suū in Comū p̄dict habeat eos hic in Decabris Sancti Martini p̄ auxilium Cur, &c. Item dies dat est partibus p̄dict hic, &c. Et modo hic ad hunc diem scit ad p̄s Decabris Sancti Martini vend tam p̄s J. in propria persona sua quam p̄s L. p̄ Attornū suū p̄dictum.

Summons returnable *Octab. Mart.* same Term.

Tenant appears in Person at the Return of the Summons.

Et p̄dictus C. sum, &c. per J. B. Attozⁿ Vouches ap-
 suum Et p̄dicti C. & B. sum, &c. per H. M. pear by several
 Attorneys.

Attozⁿatum suum similiter ven^t Et p̄dict C.
 gratis tenementa p̄dict cum p̄tind in S. p̄o de One vouches
 tenementis p̄dict cum p̄tind superius peti^t par- one Parcel.

cel unde ipse superius vocabatur ad war eide^m
 L. war, &c. Et super hoc p̄dict J. pet^t ver-
 sus ipsum C. tenen^d p^r war suam eadem te-
 nementa cum p̄tind in S. p̄dict in forma p̄dict,
 &c. Et unde dic^t q̄d ipsemet fuit seist^{us} de eis-
 dem tenementis cum p̄tind in S. p̄dict in do-
 minic suo ut de feod & sure tempore pacis tem-
 pore Dⁿe Regine nunc capiend^o inde exple^s ad
 valentia, &c. Et in que, &c. Et inde pduc^t
 sectam, &c.

Et p̄dicti C. & B. gratis tenementa p̄dict The other
 cu^m p̄tind in G. p̄dict de tenementis p̄dict cum vouches the
 p̄tind superius peti^t res^u unde ipsi superius other Parcel.

vocabantur ad war eide^m L. war, &c. Et super
 hoc p̄dict J. peti^t versus ipsos C. & B. tenen^d
 per war suam eadem tenementa cum p̄tind in
 G. p̄dict in forma p̄dict, &c. Et unde dicit^r
 quod ipsemet fuit seist^{us} de eisdem tenemen-
 tis cum p̄tind in G. p̄dict in dominico suo ut
 de feodo & sure tempore pacis tempore Do-
 mine Regine nunc capiend^o inde exple^s ad va-
 lentiam, &c. Et in que, &c. Et inde pducit^r
 sectam, &c.

Et p̄dictus C. tenens p^r war suam de eis- One Vouches
 dem tenementis cum p̄tind in S. p̄dict de calls over the
 tenementis p̄dict cum p̄tind superius peti^t Common Vou-
 parcel unde ipse superius vocabatur ad war chee for one
 defendit jus suum quando, &c. Et ulterius Parcel.

bocat inde ad war Comundum Clent qui si-
 lit p̄sens est hic in Cur^a in propria persona sua
 Et gratis eadem tenementa cum p̄tind in
 S. p̄dict ei war, &c. Et super hoc p̄dictus J.
 peti^t versus ipsum Comundum tenen^d p^r war
 suam

sua eade tenementa cum p̄ciñ in S. p̄dict in forma p̄dict, &c. Et unde dicit quod ipsemet fuit seissitus de eisdem tenementis cum p̄ciñ in S. p̄dict in dominico suo ut de feodo & jure tempore pacis tempore Dñe Regine nunc capiēdo inde expleß ad valentiam, &c. Et in que, &c. Et inde p̄ducit sextam, &c.

The other
Vouchee calls
over the Com-
mon Vouchee
for the other
Parcel.

Et p̄dict C. & B. tenen per war' suam de eisdem tenementis p̄dict cum p̄ciñ superius petiß resß unde ipsi superius vocabantur ad war' defend jus suum quando, &c. Et ulterius vocant inde similiter ad war' p̄dict Edmundum Clent qui similiter p̄sens est hic in Cur' in p̄pria persona sua Et gratis eadem tenementa cum p̄ciñ in G. p̄dicta ei war', &c. & super hoc p̄dict J. petit versus ipsum Edm tenen per' war' suam eadem tenementa cum p̄ciñ in G. p̄dict in forma p̄dict, &c. Et unde dicit qđ ipsemet fuit seissitus de eisdem tenementis cum p̄ciñ in G. p̄dicta in dominico suo ut de feodo & jure tempore pacis tempore Domine Regine nunc capiēdo inde expleß ad valentiam, &c. Et in que, &c. Et inde p̄ducit sextam, &c.

Common Vou-
chee pleads
Non disseisvit
as to the
whole.

Et p̄dictus Edmundus tenens per war' suam de tenementis p̄dict integris cum p̄ciñ defend jus suum quando, &c. Et dicit qđ p̄dictus Hugo non disseisvit p̄fakt J. de eisdem Tenementis cum p̄ciñ put idem J. per Frebe & Narrationem sua p̄dicta superius supponit Et de hoc ponit se super Patriam, &c.

Demandant
imparls, ar d
Common Vou-
chee makes
default.

Et p̄dictus J. petit licentiam inde interloquendi Et habet, &c. Et postea idem J. revenit hic in Cur' isto eodem Termino in p̄pria persona sua & p̄dictus Edmundus licet solemniter exact non reben set in contemptum Curie recessit & p̄fakt fecit Ideo consideratum

deratum est quod p̄dict J. recuperet seisinam suam versus p̄dict L. de tenementis p̄dict integris cum p̄dict Et quod idem L. habeat de Terra p̄dict C. ad valentiam Tenementorum p̄dict cum p̄dict in S. p̄dict superius plus eum ut tenend per war suam petit Et qđ idē C. inde ulterius habeat de Terra p̄dict Comundi ad valentiam, &c. Et quod idem L. habeat de terra p̄dict C. & B. ad valentiam tenementorum p̄dict cum p̄dict in C. qđ superius versus eos ut tenentes inde p war suam petit Et qđ iidem C. & B. inde ulterius habeant de Terra p̄dict Comundi ad valentiam, &c. Et idem Comundus in mia, &c. Et super hoc p̄dict J. petit Breve Dñe Regine Vic Com̄ p̄dict dirigend de habere faciend ei plenar seisinam de tenementis p̄dictis integris cum p̄dict Et ei conceditur retornabile hic indilate, &c. Postea scilicet vicesimo octavo die Novemb̄is isto eodem Termino ven̄ hic in Cur p̄dict J. in propria p̄sona sua & Vic videlicet W. L. Miles modo mand quod ipse virtute Brevis p̄dict sibi direct vicesimo quinto die Novemb̄is ult p̄terit habere sec̄ p̄dict J. plenar seisinam de tenementis p̄dictis integris cum p̄dict put p Breve illud sibi p̄cept fuit, &c.

Judgment and Recovery in value.

Seisin returnable indilate.

Demandant comes into Court last Day of the Term, and Seisin delivered three Days before.

The Forms of the Writs of *Mittimus* and *Dedimus*.

Domina Regina mandavit Justic suis de Banco hic Breve suum de *Mittimus* clausum unacum tenore cuiusdam Brevis de *Dedimus* Potestatem de war Accor̄ recipiend & retor̄ ejusdem Person warant Accor̄ inde recept in hec verba Anna Dei gratia Anglie Scotie Francie & Hibernie Regina Fidei Defens, &c. Justic suis de Banco salutem

T 3

Tenores

Tenores cussdam Brevis de Wodimus Po-
testatem dilecto & fideli suo C. P. Militi ac di-
lectis sibi A. H. Armig R. B. Armig R. D.
Armig & J. C. Gen quatuor tribus vel duobus
eorum direct de & pro receptione Attornati vel
Attornatorum consundim vel dividim quem
vel quos R. P. Generosus & M. uxor ejus pro
se locis suis coram prefat C. A. R. A. & J. eis
quatuor tribus vel duobus eor ponere aut con-
stituere voluerint Illus C. R. Gen & T. S.
Gen lucrando vel perbendo in placito terre super
habe nostro de ingressu super disseisinam in
le post coram vobis pendendi inter pō C. & T.
querentes & R. T. sacre Theologie Professo-
rem de manerio de C. cum pertinenti ac de sex me-
suagiis decem totis duobus columbar decem gar-
dinis quadraginta acris bosci duobus millibus
accrarum sanipnorum & huerie viginti acris
more decem librae reddit & communia pasture
p omnibus averiis cum pertinenti in Charleby Car-
leby Willstropp Barneborow Fonthorp Gert-
ford Holliwel Matham Castle Wytham Little
Wytham & Amby alias Omby ac libera piscar-
ia in aqua de Carleby in Com Lincoln Qui
quidem R. T. vocavit predict R. P. M. uxorem
ejus & T. B. & M. uxorem ejus ad war ei
manerium mesuagia reddit & cetera pmissa
predict cum pertinenti Ac retornd ejusdem brevis
ac war in ea parte recept in Cancellariam no-
stram miss ac in ejusdem Cancellarie nostre
residendi vobis mittimus presentibus interclus
mandantes quod inspectis tenoribus potatis
ulterius ad prosecutionem predict C. & T. S.
fieri fac qd de jure & secundum Legem & Cons
Regni nostri Anglie fuerit faciend Teste me
ipsa apud Westm vicesimo octavo die Maii
Anno Reg nri quartodecimo.

Anna

Anno Dei gratia Angl Scot Francie & Hi-
 bnie Regina Fidei Defens, &c. Dilecto & fide-
 li suo C. M. Militi ac dilectis sibi A. V. Armig
 R. B. Armig R. D. Armig & J. C. Gen sa-
 lutem Cum breve nostrum de ingressu super
 disseisinam in le Post pendeat coram Justic
 nostris de Banco inter C. B. Gen & T. S.
 Gen peten & R. T. sacre Theologie Professo-
 rem de manerio de Carleby cum pñd ac de ser-
 mesuagiis decem toctis duobus columbar dece
 gardinis quadraginta acris terre decem acris
 pari centum acris pasture quinquaginta acris
 bosci duobus millibus accrarum jampnozū &
 hyere viginti acris more decem librat reddit
 & communia pasture pro omnibus averiis cum
 pñd in Carleby Willstrop Warkeborow Bon-
 chozp Gzerford Holliwel Watham Castles
 Bytham Litles Bytham & Ambp alias Omby
 ac libera piscar in aqua de Carleby Pecnon de
 Advocacione Ecclesie de Carleby in Cond Lin-
 coln At pñd R. in plena Cur. nostra coram
 Justic nostris pñdict comparens vocabit R.
 M. Gen & M. urorem ejus & T. R. Gen &
 M. urorem ejus ad warantizand ei manerid &
 cetera premissa pñdict cum pñd Super quo
 emanabit breve nostrum de sund ad war Wic
 Cond pñdict direct versus eosd R. M. T. &
 M. recognabile coram Justic nris pñdict apud
 Westm in Crastino Sancte Trinitatis prox
 futur Et quia pñdict R. M. M. T. & M. adeo
 impotentes existunt qđ absq maximo corpoz
 suoz periculo usq Westm coram Justic no-
 stris pñdict ad diem in dicto brevi nostro de sund
 ad war content laborari non sufficiunt ut acce-
 pinus Nos status eorundem R. M. M. T. &
 M. compatiētes in hac parte Dedimus vobis
 quatuor tribus vel duobus vestrum potestatem
 & plenam authozitatem recipiendi Attoznatum

vel Attoznatos quem vel quos tñdem R. M. M.
 T. & M. ad war' vocand ad lucrand vel perdens
 in placito pñict coram Justic nostris pñict lo-
 cis suis coram vobis quatuor tribus vel duobus
 vestrum ponere aut constituere voluerint reci-
 piend Nosqz inde in Cancellariam nr̃am de
 nomine huiusmodi Attoznati vel Attoznatorz
 debite certificand Et ideo vobis quatuor tri-
 bus vel duobus vestrum mandamus quod ad
 pñatos R. M. M. T. & M. personaliter acce-
 dentes si commodè ad vos quatuor tres vel du-
 os vestrum laborari non sufficiunt Attozna-
 tumqz suum vel Attoznatos suos recipiatis Et
 cum Attornatid illud vel Attoznatos illos sic
 reperitis Nos inde in Cancellaria nostrā sub
 sigillis vestris quatuor trium vel duorum ve-
 strum distinde & aperte sine dilatione reddatis
 certiores hoc bzeve Nobis remittentes Teste
 meipsa apud Westm̃ quinto die Maii Anno
 Regni nostri secundo.

M. Smith p Dñm Cancellar Angl ad in-
 stant petend.

Retorn' inde.

R. M. Geñ & M. uxor ejus T. R. Geñ &
 R. M. uxor ejus R. T. sacre Theologie
 Professoz po. lo. suis W. T. & J. W. con-
 fundim & divisim Glus C. B. Geñ & T. S.
 ad lucrand vel perdens in placito terre partes
 Nobis note cap̃t & cognit apud C. in Com L.
 ult die Maii Anno Regni Regine Anne secun-
 do corā nobis P. B. & J. G. virtute bzevis ve-
 dedimus potestatem presentibus annex'.

N. G.

J. G.

The

The Charge of a Recovery with single Voucher, where the Tenant appears at Bar.

l. s. d.

FOR drawing the <i>Præcipe</i> ———	o	2	6	
For taking it into the Remem- brance ———	}	o	1	o
To the Curfitor for the Writ of Entry ———				
New Imposition for the Seal	o	o	6	
The King's Fine rated by the Commiffio- ners, according to the Value of the Lands.				
New Imposition, according to the Rate.				
To the Receiver ———	o	o	6	
For a Doctor's Hand for entring and endorsing in Term-time	}	o	1	2
For drawing it at the Bar to three Serjeants ———				
To the Box ———	o	o	6	
Common Vouchee ———	o	o	4	
To the Attorney-General for sign- ing the Writ of Entry —	}	o	10	o
The Secondary in Court receives				
Return of the Writ of Entry	o	2	o	
Drawing the Count and Judgment	o	2	6	
For Exemplifying it, and Parchment	o	7	6	
To the Prothonotary for the En- try thereof ———	}	o	10	o
For sealing thereof ———				
Imposition ———	o	7	6	
For the Writ of Seifin and Return	o	4	o	
For the Seal thereof and Imposition	o	1	1	
For filing the Writs of Entry and Seifin with the <i>Custos Brevium</i> and Common Vouchee	}	o	2	4

Attorney's

Attorney's Fee	—	l. s. d.
But if your Recovery be with double Voucher, the Prothonotary will have of you for the Entry thereof	—	o 6 8
And for every treble Vouble To the Clerk for every Voucher more	—	o 14 6
	—	o 18 6
	—	o 20

The Charge of a Recovery by Summons, Warrant of Attorney and Dedimus.

FOR drawing the <i>Præcipe</i> and Warrant of Attorney	—	o 3 4
<i>Dedimus Potestatem</i>	—	I 4 2
Cursitor for the Transcription of the Return and Imposition	—	o 11 0
The making of the Writ of Summons	—	o 2 0
Sealing thereof with the Imposition	—	o 1 1
Entry of the Summons for the Prothonotary	—	o 4 6
If with a Warrant of Attorney, then To the Clerk for drawing and ingrossing the Summons	—	o 2 6
To the Clerk for the entering the Summons with <i>Mittimus</i> and <i>Dedimus</i> on the Roll	—	o 5 4
For making and filing every Warrant of Attorney	—	o 1 4
For Return of the Writ of Summons	—	o 2 0
For filing thereof	—	o 1 0

Charges extraordinary, if the Recovery be under the Great-Seal of England.

FOR the <i>Certiorari</i>	—	o	13	4
For the Allowance thereof		1	9	6
For the Clerk for his Pains		o	6	8
For the Exemplification, every Skin	1	6	8	
And to the King for the first Skin	}	2	o	o
for Imposition				
For every other Skin for Imposition	1	o	o	
For the Seal	—	1	o	6

Entry of a Recovery with Adjournments of the Term.

Alias prout patet, &c. (reciting the Demand) Tenant appears Et voc inde ad ar S. H. Gen Sum in Com pdict habeat am hic in Octab Sancti Mich Et sum in Com pdict per auxilium Cur', &c. Idem dies est paribus pdict, &c. Ad quem diem loquela pdict adjoznd fuit p Breve Domini Regis de Comuni Adjozramento hic scilicet apud Westm in Com pdict usq a die Scti Mich in unum mensem tunc prox' sequen ad quem diem loquela pdict ulterius adjoznata est per aliud Breve dicti Domini Regis de Comuni Adjozramento a Westm usque illi dicti Dni Regis de Reading in Comitatu Berks in Cto Animar tunc prox' sequen modo hic scilicet apud pdict Willam dicti Dni Regis de Reading ad hunc diem scilicet Crastinum Animar veni tam pdict W. in propria persona sua quam pdict C. per Attornatum

This Entry was made (before the Statutes 16 & 17 Car. 2.) when there were nine Returns between the Writs, and when the Returns of Octab. Mich. and Quinden. Mich. were good.

coratum suum p̄dict Et p̄dict S. modo sum
 &c. p̄ R. G. Artoznat suum sicut veni Et
 gratis tenementa p̄dict cum p̄tin eis war &c.
 Et super hoc p̄dict H. p̄t versus ipsum S.
 tenend per war suam tenementa p̄dict cum
 p̄tin in forma p̄dict &c. Et unde dicit q̄
 t̄plemet fuit seist (&c.) Et inde produ
 lectam, &c.

Et p̄dict S. tenend p̄ war suam defendi
 suum quando, &c. Et ulterius hoc inde ad
 war P. D. habeat eum hic a die Pasch in
 quindecim dies Et sum in Com̄ p̄dict per
 auxilium Cur, &c. Idem dies dat est tam
 p̄fat J. & W. qua p̄fat S. hic, &c. Ante quem
 diem loquela p̄dict ulterius adjoznata fuit per
 aliud Breve dicti Domini Regis de Comuni
 Adjoznamento a p̄dict Villa dicti Domini Re
 gis de Reading in Comitatu Berks usq̄ ad
 Westm̄ in Com̄ Midd̄ usq̄ ad eandem Quin
 den Pasch, &c.

Al' forma Brevis de summ' vers le deux
 Vouchees.

ff. Sum̄ per bonos sum̄ M. D. q̄d, &c. ad
 Martini ad war H. S. quem J. D. alia
 hoc ad war & qui ei war unum Mesuagium
 &c. cum p̄tin in D. que A. W. & M. S. i
 Cur nostra coram, &c. Clam̄ ut jus suum
 sus p̄fat H. tenend inde p̄ war suam p̄ h̄et
 nostrum de ingressu super disseisinam in
 Post Et unde idem W. in eadem Cur nostra
 hoc p̄fat W. Sum̄ in Com̄ tuo ad war be
 sus eos Et habeas ibi sum̄ Et hoc h̄et
 Teste, &c.

Original

Original' ubi Vic' tenens.

¶. Corond' suis in Com' Lincoln' salutem
 Recipe T. M. Mil' & C. D. Cto Antman' und
 mens, &c. Quia p'd T. modo est Vic' Com'
 & f' fiat executio istius brevis p' p'd Corond',
 &c. Ita q'd p'd Vic' cum executione inde se ali-
 qualiter non intromittat.

Original to the
 Coroners.

Tin' 14 Eliz. Rot' 90.

Domina Regina mand' Justic' breve de in-
 ressu in le post p' Communi Recuperatione
 Trin' quinto C'di quarti Rot' 368. & ante
 non vidi p' Filmer.

Al' forma intrandi Breve de Mittimus.

Trin. 14 Eliz. Rot' 90.

Domina Regina mandabit Justic' suis de
 Banco breve suum Clausum in hec verba (so
 recite the Mittimus) Teste meipsa apud
 Westm' decimo die Maii Anno Regni nostri
 primo quarto Barth' Tenores unde in brevi
 dict' sit mentio sequuntur in hec verba Eliz.
 & recite the Medimus Potestatem and the
 execution of it as you find.

Mich. 10 Car. Rot' 50.

Henricus Gold *versus* Thomam Thyme.

Et super hoc p'dict' Henricus dicit q'd p'dict'
 T. Vic' Com' p'dict' modo existit Et ea de
 causa petit breve Domine Regine de habere
 faciens

Writ of Seisin
 to the Coro-
 ners.

faciendū ei plenariam seisinam de tenementis
p̄dict cum p̄t̄n̄ Coron̄ Com̄ p̄dict dirigendū
Et quia per inspectionem tam brevis origi-
nalis in placito p̄dict impetrat & retornabil
& retornat hic a die Sancti Michaelis in unum
mensem isto eodem Termino quam aliorum
brevisum Com̄ p̄dict ad eundem mensem
Sancti Michaelis in Banco hic retornat &
affilat p̄dicta allegatio p̄dict Henric̄ comper-
ta est vera ei conceditur retornabile hic indi-
late, &c.

Nota.

Le brief de seisin fuit fait ove ceur paroles
en le fine II. Quia p̄dictus H. modo est Ric̄
&c. (p̄out in fine oznat) Mes Woyle trahit
sur hoys car le brief de seisin poit estre sans les
parols.

Unus Tenen' est Vic' ideo breve de seisin
agard Coron'.

Simile.

Et super hoc p̄dict A. & C. dic' qd p̄dict
H. unus Tenen' p̄dict Ric̄ Com̄ p̄dict modo
erit & ea de causa p̄t brevis Dñe Regine de
habere fac' eis plenar' seisinam de tenementis
p̄dict cum p̄t̄n̄ Coron̄ Com̄ p̄dict dirigendū
Et quia p̄ inspection' tam brevis originalis
p̄t̄i p̄dict retornabil & retornat hic in C.
Sancti Martini isto eodem Termino quam
aliorum brevisum Com̄ p̄dict ad eundem Terminum
Sancti Martini in Banco p̄dict hic retornat &
affilat & retornat eorundem allegatio p̄dict
comperta est vera eis conceditur retornabile hic
indilate, &c. Postea scilicet vicesimo octavo
die Novembr' isto eodem Termino veni hic
Cur p̄dict A. & C. in propriis personis suis
Et Coron' videlicet W. S. & H. B. modo man
&c. Mich' 33 & 34 Eliz. Rot 63.

Le Vouchee est Vic' ideo brave de sum' direct' al Coron'.

In communi recuperatione Tenen' compe-
ruit & voc' inde ad war' Georgium Comitem
Cumb' sum' in Com' p'dict p' auxilium Cur'
&c. * Et super hoc iidem J. & R. dic' qd
p'dict Comes est Vic' Com' p'dict & ea de
causa pet' breve Dne Regine de sum' ad war'
Coron' Com' p'dict dirigens Et quia satis
constat Cur' hic p' retorn' brevium Com' p'dict
hic in Cur' residens qd allegatio p'dict vera
est' precept' est Coron' Com' p'dict qd sum'
per bonos sum' p'dict Comitem qd sit hic a die
sancti Martini in quindecim dies ad war' in
forma p'dict, &c. Idem dies dat' est partibus
p'dict hic, &c.

Nota.
Writ of Sum-
mons to the
Coroners.
* Les parols

Vide similem intrationem Pasch' 3 Henr'
octavi Rot 325. & Mich' 3 Henr' octavi recupe-
rationem inde.

Le Vouchee est Vic' uncore les breve de
sum' & seisin retorn per lay.

Devon' ff. **R** Dupe versus Sable Tenens Nota.
p' sum' comruit & voc' G. S.
p' & le sum' fuit retorn' p' le vouchee este-
at Vic' & auxi le seisin p' lay Mich' 15 Jac'
Rot 43.

Breve de seisin retorn' servie per le Vic'.

London ff. **S** Eisin retorn' Octabis Martini
Ad quem diem hic vend' p'dict
in propria persona sua Et Vic' videlicet
J. S. & G. E. modo mand' breve p'dict eis p'
J. & D. W. nuper Vic' London in eoz
extibus

exhibitis ab officio suo Wic London delibatur p
 eodem nuper Wic exequit in forma sequen
 deit qd nuper Wic vicesimo septimo die Junii
 ult preterit habere fecer pstat W. plenar sessi
 nam de Tenementis pdict cum pnd put per
 breve ill eis pcept fuit, &c. Trin 15 Jac
 81. libe de entres fol. 617.

Sum' continue per Vic' non mis' breve.

Northumbr' ff. J. H. petit versus W. W.
 J. quatuor Mesuagia, &c.

Et pdict W. in propria persona sua, &c.
 voc' R. W. habeat eum hic in Crastin An
 maro & sum, &c. Et super hoc pdict W. po
 lo. sua C. H. &c. de pdict placito, &c. Ad
 quem diem hic vend tam pdict J. in ppria glo
 na sua quam pdict W. per pdict C. H. Atto
 nat suum Et Wic nichil inde fec nec breve
 ill mis Ideo pdict R. sicut prius sum qd
 hic in Data Scti Hillarii. Idem dies dat est
 partibus pdict hic, &c. Trin 14 Car Rot
 49. Pasch 33 Eliz. Rot 16. Pasch 1 Jac
 Rot 56.

L'un des vouchees morust sur que le tenant
 revouch' l'auter.

Hillar 3 Car Rot 58. Willus W. verus
 W. L. &c. qui voc' P. B. & J. D. Crastin
 Trin sum, &c. Idem dies dat est partibus
 pdict hic, &c. Ad quem diem hic vend tam
 pdict W. in propria persona sua quam pdict
 W. p B. H. Attoz suum Et Wic nichil inde
 fec nec breve inde mis Et super hoc idem
 W. dic qd post ultimam continuationem p
 pdict scilicet post Data Sancti Hillarii ult
 terit de quo die loquela pdict ult continet

fuit hic usq; ad hunc diem scilicet decimum diem
Aprilis Anno Regni Domini Regis nunc
quarto p̄dicti P. apud T. p̄dicti obiit p̄dictus
J. ipsum superbiuit super quo p̄dicti P. reuoc'
inde ad war p̄dicti Jō sum in Com p̄dicti habe
at eum hic in Crastino Animarum per auxili
um Cur', &c. Idem dies dat est partibus p̄dicti
hic, &c.

Un des Vouchees fait Chivalier.

Mich 13 Jac Rot 1. Alias prout pater, &c.
Et voc inde ad war A. & B. Ar sum, &c. Ad
quas quidem D̄ctab Sancti Mart ven hic id
p̄dicti p̄t quam p̄dicti tenen in propria per
sona sua Et p̄dicti A. & B. (qui quidem R.
post ult continuation p̄lit p̄dicti ordinem mi
litar super se suscepit & modo miles exist')
sum, &c. p J. P. Attorid suum filit ven Et
gratis, &c.

Irrotulatio & Exemplificatio Brevis de In
gressu & Seisina, &c. secundum Statut de
Anno 23 Eliz. cap. 3.

ff. Elizabetha, &c. Omnibus ad quos Li
tere nostre perbenerint salutem Sciāt quod
A. B. in Cur nostra coram, &c. implacitabit
T. D. de uno mesuagio cum ptinen in D.
per Breve nostrum de ingressu super disseisi
nam in le Post, cūsus quidem brevis unacum
retono esuldem brevis ac p̄lit super eodem
breui hic ac brevis de seisina inde unacū re
tono esuldem brevis de seisina necnon war at
tono inde recept tenores sequuntur in hec Oba
Eliz. &c. (Et sic recit bre de ingressu ver
atim cum retono inde & tunc) plita apud
Westm cora J. D̄per Mil & sociis suis Justic

And so recite
the Writs of
Entry, &c. ver
batim with the
Return thereof
&c.

[Vol. 1.]

U

Dne

Dñe Regine de Banco de Termin Pasch Ann
Regni Eliz. Dei gracia, &c. sexto Rotulo 100
Devon ff. A. B. (tunc ut in Rot cum breve
de seisinā & retorno inde & tunc war Attozñ
sic) Attozñ recepit coram J. D. Mil & sociis
suis Justic Dñe Regine de Banco de Ter-
mino Pasch Anno Regni Eliz. &c. sexto A.
ff. po. 10. suo G. H. versus C. D. de pñt
terre (& tunc war def.) Que omnia & singula,
&c.

Aliter.

Another Form
thereof.

Reciting the
Writs of Entry
and Seisin, and
their Returns,
Quæ omnia, &c.

Carolus, &c. salutem sciat qđ inter irrotu-
sanāta brevium & alioꝝ dependēd p commu-
nibus recuperationibus apud Westm̄ secundū
formam statut de Terminō Scti Hil Anno
Regni nostri decimo quinto & decimo sexto
Rot 1 continet sic Milz ff. Carolus, &c. (sic
recite le breve de Entry le Curfcoꝝ noliñ &
tout l'endozment put ceo trobes) Que omnia
& singula ad requisitionem pñct H. G. (le dñe)
tenoze pñctium durimus exemplificand In cu-
jus rei Testimoniū sigillum nostrum ad brevia
in Banco pñct sigill deputat pñctibus appo-
ni fecimus Teste Tho. Tyril Sam Brown &
Johe Archer Justic nostris de Banco apud
Westm̄ 18 die Januarij Anno Regni nostri de-
cimo quinto.

Tyrril, Brown, Archer.

Various Forms of Demands.

ff. **P**etit unum meluagium duas acras terre
quatuor acras prati sex acras pasture &
communiam pasture pro omnibus averiis cum
pñct

ptin in P. D. Et unde dic qd ipsemet fuit
seist de tenementis & communia pdict cum
ptin in dominico suo ut de feodo & jure tem-
poze pacis, &c.

¶. Pet unum mesuagium duas acras terre
quatuor acras prati sex acras pasture decem so-
lida reddit & communiam pasture p omnibus
ahis eid ptin in P. &c. Et unde dic qd ip-
semet fuit seist de tenementis reddit & com-
munia pdict cum ptin in dominico suo ut de
feod & jure tempore, &c.

¶. Pet unum mesuagium duas acras terre
quatuor acras prati sex acras pasture octo acras
bolci quinquagint acras sampnozum & buere
quadragint acras moze septuagint acras jun-
carie decem acras marisci dece acras alneti de-
cem acras ruscariie quinq acras terre aqua
coope decem solida reddit communiam pastur
p omnibus averiis vis franc pleq libera wa-
rennam liberam piscariam libertatem saldagii
Acetiam nundinas & mercat theolonium stall-
lagium & picagium catalla felonum fugitivo-
rum utlagat & in exigend possit deodand catalla
waviat & extrahur cum ptin in A. B. & C.
necnon rectozias de B. & C. cum ptin ac omnes
ac omniot decimas eisdem rectozis spectand &
ptined acetiam advocacionem ecclesiarum de
D. & C. ac advocaciones vicarie ecclesie de F.
ut sus, &c. Et unde dic qd ipsemet fuit seist de
tenementis reddit communia vis franc pleq li-
bera warena libera piscaria libertate saldagii
nundinis mercat theolonio stallagio & picagio
catallis felonum fugitivozum utlagat & in exi-
gend possit deodand catallis waviat extrahur
rectozis & decimis pdict cum ptin in dominico
suo ut de feod & jure ac de advocacionibus pdict
ut de feodo & jure tempore pacis, &c.

Recoveries.

Quando, &c. Et gratis tenementa reddit communiam viſ franc' pleḡ & liberam warenam liberam piſcariam libertatem ſalbagii nundinas mercaſ theolonium ſtallagium & piſcagium catalla felonum fugitivorum utlagat & in exigend poſt deodand catall wariat extrahit rectorias & decimas p̄dict cum p̄iud ac advocaciones p̄dict ei war', &c. Et ſuper hoc, &c.

Hill. 1 Jac. Rot. 84.

Devon' ſſ. **P**ET Hundrum de A. cum p̄iud Ac maneria de A. & C. necnon cuſtoſ Gaole Com̄ p̄dict cum p̄iud Acetiam centum meſuagia, &c. bolci ſampnoꝝ & huer reddit viſ franc' pleḡ cum p̄iud in A. & B. ac advocacionem eccleſie de B. ut ſus, &c. Et unde dic qđ ipſimet fuer ſeiſit de hundredo maneriis cuſtoſ Gaole tenementis reddit & viſ franc' pleḡ p̄dict cum p̄iud in dominico ſuo de feod & iure & de advocacione p̄dict ut de feod & iure, &c.

Hill. 1 Jac. Rot. 26.

ſſ. PET manerium meſuagium & tenementum in B. necnon nundinas mercaſ & viſ franc' pleḡ cum p̄iud in B. &c.

Hill. 1 Jac. Rot. 21.

ſſ. PET ſcicum nup monaſterii fratrum monachorum cum p̄iud ac unum meſuagium cum p̄iud in B. Et unde dic qđ ipſemet fuit ſeiſit de friu & tenementis p̄dict cum p̄iud.

Hill. 1 Jac. Rot. 22.

¶ Pet reddit & libertat faldagii & curus
obium cum p̄t̄id.

Mich. 2 Jac. Rot. 63, & 69.

¶ Pet unum mesuagium, &c. & commu-
niam pastur p̄ omnibus āt̄is ac duas partes
quadrages acras bolci in trigint & tres partes
dividend cum p̄t̄id in A. &c.

Mich. 2 Jac. Rot. 187.

¶ Pet duo passagia ultra aquam Th. ac me-
p̄t̄at manerii, &c. fuit seist de passag & me-
p̄t̄at p̄dict cum p̄t̄id in dominico suo ut de
modo & iure, &c.

Mich. 2 Jac. Rot. 185, 186. Mich. 2. Jac.
Rot. 72.

¶ Pet libertat quatuor faldagiorum cum
p̄t̄id in C. &c.

¶ Pet reddit & libertat quatuor faldagiorum
cum p̄t̄id in C. &c.

¶ Pet decimas portiones pentiones oblati-
ones obventiones proficua & emolumenta que-
cunq̄ rector de B. p̄t̄id necnon quandam por-
tionem decimarum in B. ac etiam abbocatione
vicarie. Pasch. 1 Jac. Rot. 60, & 62.

Pasch. 8. Jac. 1. Rot. 163.

¶ Fuit seist de manerio tenementis libe-
ra piscaria reddit rectoria decimis wardis mas-
tagis releviis escaet catallis fugitivorum
felonum

felonum de se & in exigens possit utlagatorum
attinet & variat cum p̄t̄n in dominico suo ut
de feod & jure ac de advocat̄on̄ p̄dict ut de feod
& jure, &c.

Pasch. 8 Jac. Rot. 163.

II. Pet maneria tenementa & reddit in A.
(except un' mesuag' duobus gardin), &c. in A.)
ut jus, &c. fuit sc̄it̄ de maneriis tenementis &
reddit p̄dict cum p̄t̄n (except p̄cept.)

Pasch. 16 Car. Rot. 59.

Lincoln II. C. A. pet versus J. S. unum
mesuagium & tresdecim acras terre cum p̄t̄n
in M. & C. ac medietatem septem part̄n
advocat̄on̄ ecclesie de M. in octo partes divi-
dend ut jus, &c. unde dic' qd ipsemet fuit sc̄it̄
de tenementis & medietate p̄dict septem parti-
um manerii p̄dict cum p̄t̄n in dominico suo
ut de feodo & jure ac de p̄dict medietate p̄
septem partium advocat̄on̄ p̄dict ut de feodo &
jure, &c.

Quando, &c. Et gratis tenementa & medietat p̄dict septem p̄t̄n manerii p̄dicti cum p̄t̄n
ac p̄dict medietat septem p̄t̄n Advocat̄on̄
p̄dict ei war, &c.

Mich. 43, & 44 Eliz. Rot. 43.

II. pet Castrum & Burgum de C. cum p̄t̄n
ac Hundzed & Manerium de C. & W. cum
p̄t̄n necnon trigint' mesuag' duo columbar
trigint' gardin mille acras terre ducent' acras
bolci quingent' acras sampnoy & hūere quingent'
acras marisci frisci sex librat' reddit p̄t̄n
franc' pleg' & nundinas & mercat' cum p̄t̄n in

in C. & W. acetiam liberam piscariam in aquis
de A. C. & W. que claud, &c. Et unde dic qđ
ipsemet fuit seist de Castro Burgo hundredo
manerio tenementis reddit viđ franc pleg mer-
cat & libera piscaria cum ptiđ in dominico suo
ut de feod & jure, &c.

¶ Pet manerium de B. cum ptiđ ac tria
mesuagia unum molendinum un Columbar
ser gardina centum acras terre vigint acras
pati quadragint acras pasture cum ptiđ in B.
& C. Et unde dic qđ ipsemet fuit seist de ma-
nerio & tenementis pdict cum ptiđ in domi-
nico suo ut de feodo & jure tempore, &c.

¶ Pet unum mesuagium cum ptiđ in R.
&c. Et unde dic qđ ipsemet fuit seist de mes-
suagio pdict cum ptiđ in dominico suo ut de
feod & jure tempore, &c.

¶ Pet duo mesuagia cum ptiđ, &c. seist
de tenementis pđ cum ptiđ.

Mich. 15 Car. 2. Rot. 46.

Wilteß ¶ Pet Hundredum de W. cum
ptiđ ac maneria de D. & S. cum ptiđ
necnon parcum de L. cum ptiđ acetiam qua-
dragint mesuagia mille acras terre cum ptiđ
in D. &c. ac rectoriam de S. cum ptiđ nec-
non omnes & omnimod decimas annuatim cres-
cen provenien seu renoban in R. S. & R.
Acetiam advocaciones de C. & D. ut jus, &c.
Et unde dic qđ ipsemet fuit seist de hundo
manerio parco tenementis & rectoria pdict cum
ptiđ ac decimis pđ in dominico suo ut de feodo
& jure necnon de advocacion pđ ut de feodo
& jure tempore pacis, &c. Quando, &c. Et
gratis hundredum manerium parci tenementia
& rectoriam pđ cum ptiđ ac decimas & advoca-
tiones pđ ei war, &c.

U 4

Pet

Recoveries.

Pet unam acram terre cum pertin, &c. Et unde, &c. seisit de p̄dict una acra terre cum pertin &c.

Pet duas acras terre cum pertin, &c. Et unde seisit de tenementis p̄dict cum pertin, &c.

Hill. 6 Jac. Rot. 61.

II. Recuperatio de annuo reddit exrend de manerio, &c.

Mich. 3 H. 8. Rot. 113.

III. Common Recovery sur Esche de D̄ seisc.

Hill. 5 Eliz. Rot. 10.

Notando.

Bi dentrye vers un viscount serr' issint nosme & nemy Seigniorz, en le Case de Seigniorz Moutague.

Et m̄oit lieu & Comd ou acc' serr' pozt per Prisot Pr qd reddat peit ee prise si le terre est en Will ou Hamlet ou lieu conus hors de Will ou Hamlet.

Mes per Moyle Ass. gist en Hamlet ou lieu conus car il recovera per view de Juroz il sint in dower car la el viz. la demandant ne ad terre en certem issint in trespasse Mes p̄cipe qd reddat gist dun Mannor sans mention ou le mannoz e si le mannoz soit hors de Will & Hamlet.

Leas pur vie Cestuy en reversion voet suffer Common Recovery mes ne pozt pur ceo que le Lessee ad le Franktenement ergo la voy de ceo est le Lessee surrendra en reversion & denque il prit suffer Recovery Mes pnt le assurance

See the Form of the Surrender at the end of this Book.

assurance del tenant que il n'ada p'judice per
son sur le use est pur luy de faire le surt sur
cond que si celui en reversion ne paya al l'estee
un grand somme d'argent al un jour le surt serr
vold.

W. P. 99.

Upon View of the Deed that did lead the
Uses of a Recovery, in which the Town
where the Lands lay was rightly named
(Sutton) the Writ of Entry was amended
where it was written *Sulton*.

Pasch. 39 Eliz. Rot. 28. Common Recove-
ry d'un Advowson sur Breve de Droit d'
Advowson.

Bucke n. Willus Palmer in propria per-
sona sua pet' versus W. D. Clericum advocatio-
nem Ecclesie de B. quam ei injuste desore,
&c. Et unde dic' qd ipsemet fuit seist' de ad-
vocatione p'dict' ut de feodo & jure tempore pacis
tempore Dne Regine nunc Et sic inde seist'
existen' ad Ecclesiam illam vacan' presentavit
quendam Ricum K. Clericum suum qui ad
presentacionem ipsius W. P. fuit admissus &
constituit in eadem tempore pacis tempore Dne
Regine nunc qui quidem R. K. cepit inde ex-
plez ut in grossis decimis minutis decimis
oblationibus & obventionibus ad valentiam,
&c. ut in jure Ecclesie sue p'dict' Et qd tale
sit jus suum offert, &c. Et p'dict' W. P. in propria
persona sua venit & defendit jus p'dict' W. P. &
censuram suam quando, &c. Et totid, &c. Et
quicquid, &c. maxime de advocacione p'dict' ut
de feodo & jure, &c. Et vob' inde ad war' J.
gen' qui p'resens est hic in Cur' in propria
persona

persona sua Et gratis hic in Cur advocati-
 onem p̄dict ei war, &c. Et super hoc p̄dict
 W. p̄t̄ versus p̄dict J. A. tenend per war su-
 am advocacionem p̄dict in forma p̄dict, &c. Et
 unde dic q̄d ipsemet fuit seist̄ de advocatio-
 ne p̄d ut de feodo & jure tempore pacis tem-
 pore Dñe Regine nunc Et sic inde seist̄ exis-
 stend ad Ecclesiam illam vacand p̄sentabit p̄d
 R. R. Clicum suum qui ad p̄sentationem ip-
 sius W. p̄. fuit admissus & institut̄ in ea-
 dem tempore pacis tempore Domine Regine
 nunc qui quidem R. R. cepit inde explē ut
 in grossis decimis minutis decimis oblatio-
 nibus & obventionibus ad valenciam, &c. ut
 in jure Ecclesie sue p̄d Et q̄d tale sit jus suū
 offert, &c. Et p̄d J. A. tenend per war suam
 defend̄ jus p̄d W. & seisinam suam quando, &c.
 Et totum, &c. Et quicquid, &c. maxime de
 advocacione p̄d ut de feodo & jure Et ultius
 voc̄ inde ad war R. H. qui p̄sens est hic in
 Cur in propria persona sua Et gratis advoca-
 tionē p̄d ei war, &c. Et super hoc p̄dict W.
 p̄. p̄t̄ versus ipsum R. Tenend p̄ war suam
 advocatōē p̄d in forma p̄d, &c. Et unde dic
 q̄d ipsemet fuit seist̄ de advocacione p̄d ut de
 feodo & jure tempore pacis tempore Dñe Re-
 gine nunc Et sic inde seist̄ existens ad Eccle-
 siam illam vacand p̄sentabit p̄d R. R. Clicum
 suum qui ad p̄sentationem ipsius W. p̄. fuit
 admissus & institut̄ in eadem tempore pacis
 tempore Dñe Regine nunc, &c. qui quidem
 R. R. cepit inde explē ut in grossis decimis
 minutis decimis oblationibus & obventionibus
 ad valenciam, &c. ut in jure Ecclesie sue p̄d
 Et q̄d tale sit jus suū offert, &c. Et p̄d R. H.
 tenend per war suam defend̄ jus p̄dict W. p̄.
 & seisinam suam quando, &c. Et totū, &c.
 Et quicquid, &c. Et maxime de advocacione
 p̄d

pres ut de feod & iure, &c. Et ponit se in mag-
nam Assisam Dne Regine Et per recognid in-
de fieri utrum ipse magis sus habet tenend ad-
vocationem pdict ut tenens inde per war suam
ut ille tenet an pō W. habend advocacionē ut
ille superius per, &c. Et pō W. p. per licenc
inde interloquendi & habet, &c. Et postea
idem W. reven hic in Cur isto eodem Ter-
mino in propria persona sua Et pō R. H. li-
cet solempnit exact non reven set in contempt
Cur recessit Et defalt fec Ideo considerat est
qđ pdict W. p. recuperet seisinam suam vers
sus prefat W. de advocacione pdict tenend
eidem W. & hered suis quiete de pdict W. &
hered suis Acetiam de pdict J. A. & hered suis
necnon de pdict R. H. & hered suis imperpe-
tuum & quod idem W. habeat de terra pdict
J. A. ad valenc, &c. Et quod idem J. A. ul-
tius heat de terra pdict R. H. ad valenc, &c.
Et idem R. in mia &c. Et super hoc pō
W. per breve Dne Regine faciend ei plenar
seisinam de advocacion pdict vic Cond pdict
dirigend Et ei concedit, &c. retornabile hic
a die Pas' in quinq septimanas, &c. Ad quem
diem hic ven pdict W. in propria persona sua
Et vic videlicet A. T. Ar modo mand quod
iple virtute brevis illius sibi directi vicesimo
die Aprilis ultimo pterito here fecit pfať W.
p. plenar seisinam de advocacion pdict prout
p breve illud sibi pcept fuit.

Hill. 6 Jac. Rot. 20.

II. Recuperatio in breve de rō Advocatio-
nis cepit expleť, &c. ut in iure Ecclesie sue
pdict.

Pasch.

Pasch. 14 Eliz. Rot. 427.

It. In Consil Pet narr super presentacionem A. p[re]s sui & filii presentacionem suam p[ro]p[ri]am.

Hill. 6 Jac. Rot. 152.

It. Recuperatio de advocacione quinte p[re]s advocacionis, &c.

Mich. 2 Jac. Rot. 29.

It. Pet advocacionem medietatis Ecclesie de C.

Pasch. 23 H. 8. Rot. 336.

R. W. S. J. A. & C. P. p[ro] C. P. Attornd suum pet versus R. W. & J. G. & J. B. manerium de P. cum p[re]s ac octo meluagia octo gardina crescent & decem acras terre septuagint acras prati centum acras pasture trigint acras bosci trigint acras sampnoy & h[ab]uere & trigint solidat reddit cum p[re]s in B. &c. ut jus & hereditatem suam Et in que idem R. J. & J. non h[ab]ent ingressum nisi post disseisinam quam Hugo Hunt inde infusse & sine iudicio fec[er]at p[re]s J. & C. post primam, &c. Et unde dic[er]e quod ipsimet fuer[un]t seisi de manerio tenementis & reddit p[ro]p[ri]et cum p[re]s in dominico suo ut de feodo & jure tempore patris tempore D[omi]ni Regis nunc capiend[um] inde exple[re] ad valentiam, &c. Et in que, &c. Et inde produc[er]e sect[us], &c.

Quoad

Quoad 3 partem voc' T.

Et p̄dict R. J. & J. in propriis personis suis
 veni & defendi ius suum quando, &c. Et quoad
 tertiam partem manerii tenementorum & redditus
 p̄dict cum p̄tind voc' inde ad war' A. J. Ar
 qui p̄sens est hic in Cur' in propria persona sua
 Et gratis eandem tertiam partem cum p̄tind
 eidem R. J. & J. war', &c. Et super hoc p̄dict
 W. J. & G. pet' versus ipsum A. tenen' per
 war' suam tertiam partem p̄dict cum p̄tind in
 forma p̄dict, &c. Et unde dic' qd' ipsimet fuer'
 seisi de tertia parte p̄dict cum p̄tind in domi-
 nio suo ut de feod' & jure tempore pacis tem-
 pore Dnd' Regis nunc capiend' inde exple's ad
 balenciam, &c. Et in quam, &c. Et inde p̄-
 duc' sect', &c. Et quoad medietatem resid' ma-
 nerii tenementorū & redditus p̄dict cum p̄tind
 eidem R. J. & J. voc' inde ad war' A. D. gen'
 qui p̄sens est hic in Cur' in propria persona sua
 Et gratis eandem medietatem cum p̄tind eis-
 dem R. J. & J. war', &c. Et super hoc p̄dict
 W. J. & G. petunt versus ipsum A. tenen' p̄
 war' suam medietatem p̄dict cum p̄tind in for-
 ma p̄dict, &c. Et unde dic' qd' ipsimet fuer'
 seisi de medietate p̄dict cum p̄tind, &c. Et in-
 de produc' sect', &c. Et quoad totum resid' ma-
 ner tenementorū & redditus p̄dict cum p̄tind
 eidem R. J. & J. voc' inde ad war' C. B. qui
 p̄sens est hic in Cur' in propria persona sua Et
 gratis resid' illud cum p̄tind eidem R. J. & J.
 war', &c. Et super hoc p̄dict W. J. & G. pe-
 tunt versus ipsum C. tenen' p̄ war' suam resid'
 illud cum p̄tind in forma p̄dict, &c. Et un-
 de dic' qd' ipsimet fuer' seisi de resid' p̄dict
 cum p̄tind Et in quod, &c. Et inde produc'
 sectam, &c.

Le

Le Common Vouchee.

Et p̄dict L. A. & C. separatim tenend per
 war' suam separatim defend' ius suum quando,
 &c. Et idem L. quoad p̄dict terciam partem
 cum p̄tind' versus eum petit ultius voc' inde
 ad war' R. W. qui p̄sens est hic in Cur'
 in propria persona sua Et gratis eandem me-
 dietat' cum p̄tind' ei war', &c. Et p̄dict A. quo-
 ad p̄dict medietat' cum p̄tind' versus eum petit
 ultius voc' inde ad war' p̄satis R. qui p̄sens
 est hic in Cur' in propria persona sua Et gra-
 tis eandem medietatem cum p̄tind' ei war', &c.
 Et p̄dict L. quoad p̄dict resid' cum p̄tind'
 versus eum petit ulterius voc' inde ad war'
 p̄dict R. qui p̄sens est hic in Curia in propria
 persona sua Et gratis resid' illud cum p̄tind'
 ei war', &c. Et super hoc p̄dict W. J. & C.
 petunt versus ipsum R. tenend per war' suam
 maner' tēta & reddit' p̄dict integra cum p̄tind'
 Et unde dic' qd' ipsimet fuer' seisit de manerio
 tētis & reddit' p̄dict cum p̄tind' in dominico
 suo ut de feodo & iure tempore pacis tempore
 Domine Regine nunc capiend' inde exple's ad
 valenc', &c. Et in que, &c. Et inde produc-
 sect', &c.

Et p̄dict R. tenens p' war' suam defend' ius
 suum quando, &c. Et dic' quod p̄dict Hugo
 non disseisibit p̄tatis W. J. & C. de manerio
 tētis & reddit' p̄d' cum p̄tind' prout iidem W.
 J. & C. B. breve & narrationem sua p̄dict super-
 rius suppon' Et de hoc p̄d' se sup' patriam,
 &c. Et p̄dict W. J. & C. pet' licenc' inde in-
 terloquendi Et habent, &c. Et postea iidem
 W. J. & C. reven' hic in Cur' isto eodem
 termino per Attoz' suum p̄dict & p̄dict R.
 licet solempnit' exact' non reven' set in cons-
 temptum

emptum Cur' recessit & defalt fec' Ideo consi-
derat est quod p'dict' W. J. & G. recuperent
seisinam suam versus p'sat' R. J. & J. de manio
rentis & reddit' p'dict' cum p'tind' Et q'd iidem
R. J. & J. habeant de terra p'dict' T. ad valenc'
p'dict' tercię partis superius versus eum petit,
&c. Et quod idem T. ulterius habeat de terra
p'dict' R. ad valenc' inde, &c. Et q'd iidem R.
J. & J. habeant de terra p'dict' A. ad valenc'
p'dict' medietat' superius versus eum petit, &c.
Et q'd idem A. ulterius habeat de terra p'dict'
R. ad valenc' inde, &c. Et etiam q'd iidem R.
J. & J. habeant de terra p'dict' C. ad valenc' p'dict'
residui superius versus eum petit, &c. Et quod
idem C. ulterius habeat de terra p'dict' R. ad va-
lenciam inde, &c. Et idem R. in m'ia, &c.
Pasch. 23 H. 8. Rot. 426.

Simile Hill. 5 H. 8. Rot. 519.

Et quoad tertiam partem tenementorum
p'dict' integrozum cum pertineñ idem T. hoc
inde ad war' R. qui p'sens est, &c. Et gra-
tis, &c. Et quoad medietat' alterius tercię
partis p'dict' tenementozum integrozum cum per-
tineñ idem T. hoc inde ad war' W. qui p're-
sens, &c. Et gratis, &c. Et super hoc p'dict'
D. petit versus p'sat' R. p'dict' tertiam partem
eum pertind' unde idem R. superius vocatur ad
war', &c. versus p'sat' W. p'dict' medietatem
p'dict' tercię partis cum pertind' unde idem W.
superius vocatur ad war', &c. Et versus, &c.
Et unde dic' q'd ipsimet fuer' cessit de tētis
p'dict' integris cum pertind' in dñico suo, &c.

Mich. 41 & 43 Eliz. Rotulo 12. Quoad
unam medietatē, &c.

Et p̄dict R. per J. C. Attoꝝ suum vend
defend sus suum quando, &c. Et quoad unam
medietatē manerii tenementozum libere piscat
& communie pasture p̄dict cum pertinē voc
inde ad war C. B. qui p̄sens est hic in Cur
in p̄pria persona sua Et gratis eandem me
dietatem cum pertinē eidem R. warant, &c.
Et quoad alteram medietatem resid manerii
tenementozum libere piscat & communie pa
sture p̄dict cum pertinē idem R. voc inde
ad war T. P. qui similiter p̄sens est hic in
Cur in p̄pria persona sua Et gratis eandem
medietatem cum p̄tin ei war, &c. Et super
hoc p̄dict R. & T. petunt versus ipsum C.
teneid per war suam medietatem p̄dict cum
pertinē unde idem C. superius vocatur ad
war, &c. Et super hoc p̄dict R. & T. pet
versus ipsum T. P. teneid per war suam me
dietatem p̄dict cum p̄tin unde idem T. supe
rius vocatur ad war in forma p̄dicta, &c.
Et unde dic quod ipsimet fuer' leisti de mane
rio tenementis libera piscat & communia pa
sture p̄dict integris cum pertinē in domi
nico suo ut de feodo & iure tempore pacis tem
pore Domine Regine nunc capiendo inde ex
ples ad balenciam, &c. Et in que, &c. Et inde
produc legam, &c. Et p̄dict C. & T. P. se
paratim teneid per war suam separatim defend
sus suum quando, &c. Et idem C. quoad p̄
dict medietatem cum pertinē superius ven
sus eum petiū ulterius voc inde ad war T.
B. filium ipsius C. qui p̄sens est hic in Cur

in propria persona sua & gratis eandem medietatem cum pertinenē ei war, &c. Et super hoc predicti R. & T. P. petiunt versus ipsum C. B. teneū per war suam medietatem predictam cum pertinentiis unde ipse superius vocatur ad war in forma predicti, &c. Et unde dicitur quod ipsimet fuerunt seisiati de medietate illa cum pertinenē simul cum altera medietate manerii, &c. cum pertinenē in domino suo, &c. Et inde producit sectam, &c. Et predicti C. B. teneū per war suam defendens suum quando, &c. Et quoad predicti medietatem cum pertinenē superius & sus eum petiunt ulterius hoc inde ad war R. H. qui presens est hic in Curia in propria persona sua. Et gratis eandem medietatem cum pertinenē ei war, &c. Et predicti T. P. quoad predicti medietatem, &c. Respondeo cum pertinenē superius versus cum petiunt ulterius hoc inde ad war prefatus R. H. qui presens, &c. Et gratis medietatem predicti respondeo cum pertinenē ei war, &c. Et super hoc predicti R. & T. P. petiunt versus ipsum R. H. teneū per war suam manerium, &c. Integra cum pertinenē in forma predicti, &c. unde dicitur quod ipse fuit seisiatus de, &c. integris cum pertinenē in domino suo ut de feodo & iure, &c. [Et quod predicti H. &c. non disseisavit prefatum petentem de manerio, &c. integris cum pertinenē prout, &c. Et predicti petentem petiunt licentiam, &c.] Ideo considerat est quod predicti petentes recuperent seisinam suam versus prefatum teneū de manerio, &c. integris cum pertinenē. Et quod idem R. habeat de terra predicti C. ad valenciam medietatem predicti superius versus eum petiunt, &c. Et quod idem C. ulterius habeat de terra predicti C. B. ad valenciam, &c. Et quod idem T. B. ulterius habeat

habeat de terra predicta R. H. ad valenciam inde, &c. Et similiter quod idem tenent habeant de terra predicta T. P. ad valenciam medietatis superius versus cum petitis, &c. Et quod idem T. P. ulterius habeat de terra predicta R. H. ad valenciam inde, &c. Et idem R. H. in media, &c.

Pasch. 40 Eliz. Rotulo 75. Certificatio' war' Attorn' per Executor' Justic' per Breve de Certiorar'.

Memorandum quod G. S. Armatus unus Executorum testamenti F. B. nuper unius Justicie Domine Regine de Banco hic tertio die Martii isto eodem termino virtute brevis ejusdem Dni Regine sibi directi quod sequitur in hec verba Eliz, &c. (recitans totum breve) misit hic predictum war' Attornatum unde in eodem brevi fit mentio que sequitur in hec verba Eliz. &c. Trin. 23 Car. Rot. 24.

Autiel.

Aliter per Exec' Justic'.

ff. Memorandum quod T. J. genitor & G. H. genitor executorum testamenti J. M. nuper unius Justicie Domine Regine de Banco hic vicesimo primo die Novembris isto eodem termino deliberaverunt hic in Curia brevia annexa quorum tenor sequitur in hec verba Eliz. &c.

Pasch. 3 & 4 Ph. & M. Rot. 623.

Aliter per Exec' servientem ad Legem.

ff. Memorandum quod B. C. Videlicet Executor testis R. C. unum servientem Dni Regis & Dni Regine ad legem que sola administrabit bona & catalla predicta R. (tunc die) isto eodem termino

mino virtute hzevis dic' Dñi Regis & Dñe
Regine Reverendo in Christo Patri & p̄di-
lecto Consiliar' eorundem Dñi Regis & Dñe
Regine T. Elien Episcopo & p̄fat B. C. p̄
nomina, &c. Crec' testi R. C. &c. quod sequit̄
in hec verba Philippus & Maria, &c. (recit̄
totum hzeve) mis' hic war' p̄dict' quod quidē
war' in Custod' W. C. p̄f' Clerici dictorum
Dñi Regis & Dñe Regine de Banco hic af-
flatur cusus tenor' sequit̄ in hec verba Coz-
nub, ff. Precipe, &c.

Trin. 3 Eliz. Rot. 415.

In Coi recuperac' tenens voc' ad War' & Nota.
le Houchee p̄f' quid het a luy lier a garrant
& tenend' p̄f'at finem lebat p̄ le vouch & ux' &
warrant.

Et p̄dict' le vouch dic' quod ipse non potest
dedice quin fin' p̄dict' levasset inf', &c. de Ma-
ner' Tenementis & reddit' p̄dict' cum pertind' nec
quin ipse eadem Maneria, &c. p̄fat tenend' &
hered' suis contra ipsum le Houchee & hered'
suos warantizare debeat Et eadem Maneria,
&c. eidem tenend' war' Et super hoc, &c.

Trin. 3 Eliz. Rot. 140.

In ingrid in le Post tenend' voc' T. W. qui Nota.
comperuit & p̄f' quod p̄dict' tenend' ostend' quid
specialitatis heat p̄ qd' war' debeat Et ostend'
Cartam cum war', &c.

Ordinat' fuit p̄ Cur' qd' war' Attorid' tam p̄
Tenend' quam p̄ Houchee intretur de Termino
Sancti Hillar Anno secundo Eliz. Regine inf'
Stebens & Prestlad & Waterhouse p̄ Teatis
in Com' Essex Trin' 29 Eliz.

Recoveries.

Waters are not demandable by that Name a *Præcipe*, but the Land whereupon the Water standeth or floweth, as *vigint acras terre aqua cooperite. Co. Lit. fo. 4. a.*

Gurges, a deep Pit of Water ; a *Gors*, or Gulf, consisteth of Water and Land, and therefore by the Grant thereof by that Name, the Soil doth pass, and a *Præcipe* doth lie thereof, and shall lay his Esplees in taking of Fishes, as Bream, Roches, &c. *ib. fol. 5, 6.* *Stadium*, *Feringus*, or *quarentena terre*, is a Furlong of Land, and will pass by that Name ; and some hold that by that Name it may be demanded. *ibid.*

Many Things may pass by a Name, that by the same Name cannot be demanded by a *Præcipe*, (for that doth require more prescriptive Form) but whatsoever may be demanded by a *Præcipe*, may pass by the same Name by Way of Grant. *ibid.*

Trin. 37 Eliz Rot. 278.

Nota.

Worgan Owen, terr' fuit done al Baron Feme & al' heirs del Corps le baro engendererent eux : le bar' solemt suffer un' Common Recovery. Agree p' tous les Justices que c' Recovery fuit void a barr' l'estate Tail le reason fuit p' ceo que le recompence ne ala a feme, car si le baron ad fait feoffment in fe & reprist estate & puis suffer un' recovery come il puilloit, la le Recovery ad ee del autre estate.

Nota.

If the first Tenant in Tail doth not discontinue, then a single Voucher serves ; but if there be a Discontinuance (as thus ; the first Tenant in Tail makes a Feoffment, and then takes back

an Estate-Tail) then it must be a double
Voucher.

T. Waller.

Pasch. 20 Car. Regis. 2 Rot. 2.
Wyrley.

Bedf. ff. Precipe R. D. Jun Gen qd iuste,
2c. reddat R. G. Sen' Gen' Maner de Pod-
ington cum ptin' ac vigint & quinqz Mesuaq
ria tosta unum molendinu ventriticum duo
Columbar' vigint & quinqz Cardina odin-
gent & quinquagint' acr' Terre quadragint'
& quinqz; Acr' Prati centum Acras Pasture
eragint & quinqz Acr' Bosci quingent Acr'
Camporum & Buere sex Librat' Reddit
Coiam Pastur' p omnibus averiis libam pils-
ariam libam Marennam Mis Franc Pleg
Bona & Catalla waviat & extrahur Bona &
Catalla Felon' Fugitivozum Utlagat' attinct
Felon' de se deodand Thesaur' invent' & omnes
Jurisdictiones Franches & Libertat' cum ptin'
P. H. L. alias L. S. & M. Pecnon Rector-
iam de P. cum ptin' ac etiam omnes & omni-
os Decimas Oblationes Portiones & Pen-
siones annuatim proveniend' crescend' seu renos-
and in P. ac Advocation' Vicarie Ecclesie de
P. que clard, &c.

Et unde dic' qd ipsemet fuit seist' de Pa-
terio Tenementis Reddit' Communia liba
Piscaria libera Marennam Mis Franc pleg
Bona & Catallis waviat & extrahur Bonis
Catallis Felonum Fugitivozum Utlagator'
attinct Felon' de se deodand Thesauro in-
vent' & omnibus Jurisdictionibus Franches
Libertat' Rectoria Decimis Oblationib' Por-
tionibus & Pensionibus pdict' cum pertin' in
dominio suo ut de feodo & iure ac de Advoca-
tione

catione p̄dict ut de feodo & jure tempore pacis, &c.

Et gratis Mania Tenementa Reddit Communiam liberam Piscariam liberam Warrennam Wijs Franc Pleq̄ Vona & Catalla Mabiāt & Extrahur Vona & Catalla Felon' Fugitivorum Atlagatorum attinct Felon' de se Deodand Thesaur' invent & omnes Jurisdictiones Franche Libertes Rectoria Decimas Oblationes Portiones & Pensiones predictas cum pertinen' ac Advocationem p̄dict ei war', &c.

Nota semper dicere, Quod Demandans fuit seisiť de omnibus parcellis quibuscunque in dominico suo ut de feodo & jure nisi sit de Advocatione & tunc omitte verba (in dominico suo) ut infra apud hoc signum *

Et unde dic' qđ ipsemet fuit seisiť de Maneriis Tenementis & reddit p̄dict cum pertinen' in dominico suo ut de feodo & jure tempore, &c.

Et gratis Maneria Tenementa & Reddit p̄dict cum pertinen' ac Advocationem p̄dict, &c.

London, ff. Precipe C. V. Gen' quod iuste, &c. reddat H. P. Gen' tresdecim Mesuagium cum pertinen' in Paroch Sancti Andree Holborn que claud', &c.

De 13 Mesuag.

Et unde dic' quod ipsemet fuit seisiť de Mesuagiis p̄dict cum pertinen' in dominico suo ut de feodo, &c.

De quatuor Acris Prati.

Et unde dic' qđ ipsemet fuit seisiť de quatuor
Acris pđict cum pertin' in dominio, &c. Et
in quas, &c. Et inde pduc' sectam, &c.

De duabus Communiis.

¶ Precipe A. B. i C. D. sex Mesuagia,
&c. Communiam Pastur' p omnibus Abiis,
& Communiam Turbarie cum pertin', &c. Et
unde dic' qđ seisiť fuit de Teneant' & Commu-
niis pđict in dominio suo, &c.

Note, The most proper Way to find out a
Recovery formerly passed, is to search with
the Clerk of the Warrants, who useth to take
Notes out of all the Plea-Rolls of all the Pro-
thonotaries Offices, and enters them distinctly
and fairly into a Register-Book, every Office
by it self, and also the Number of the Roll.

*The Form of a Surrender or Lease to make
a Tenant to the Præcipe for a Common
Recovery.*

This Indenture made, &c. Between A. B. of, &c. of the one Part, and C. D. of, &c. of the other Part; Witnesseth, That where, as the said A. B. doth hold for the Term of his Life, one Messuage, &c. in L. in the County of E. the immediate Reversion or Remainder whereof doth belong to the said C. D. and his Heirs, or to the Heirs of his Body lawfully begotten, for ever. Now the said A. B. for the perfecting of some Assurance, shortly to be made of the same Messuage, &c. by Way of Common Recovery, hath granted and surrendered, and by these Presents doth grant and surrender unto the said C. D. and his Heirs, upon the Condition herein after mention'd, all that the said Messuage, &c. and all the Estate, Right, Title and Interest of the said A. B. therein. To Have and to Hold to the said C. D. and his Heirs, upon Condition, That if the said C. D. do not pay, or cause to be paid to the said A. B. the Sum of one thousand Pounds of lawful English Money, upon the first Day of &c. next ensuing after the Date hereof, That then and from thenceforth this present Grant and Surrender shall be utterly void and of none Effect: And that then also it shall and may be lawful to and for the said A. B. into the Messuage, &c. to re-enter, and the same to have again, repossess and enjoy as in his former Estate and Right, any

any Thing in these Presents to the contrary in any wise notwithstanding. In Witness, &c.

A Lease and Release, to make one Tenant to the *Præcipe* in a Recovery, and lead the Use thereof.

A Lease for a Year (by Way of Bargain and Sale, according to the Statute.)

This Indenture made, &c. Between *T. H.* of, &c. of the one Part, and *J. B.* of, &c. of the other Part, Witnesseth, That the said *T. H.* for and in Consideration of the Sum of five Shillings, of lawful Money of *England*, to him in Hand paid by the said *J. B.* at or before the Ensealing and Delivery of these Presents, the Receipt whereof is hereby acknowledged; hath bargained and sold, and by these Presents doth bargain and sell unto the said *J. B.* all, &c. To Have and to Hold the said, &c. Tenements, Hereditaments and Premises, with the Appurtenances, hereby bargained and sold, or mentioned or intended to be hereby bargain'd and sold, unto the said *J. B.* his Executors, Administrators and Assigns, from the Day next before the Day of the Date of these Presents, for, during and unto the full End and Term of one whole Year from thence next ensuing, and fully to be compleat and ended: To the Intent and Purpose that the said *J. B.* may be the better enabled to receive and take a Grant or Release of the Premises hereby bargained and sold, or mentioned or intended to be hereby bargained and sold to him and his Assigns, for and during the natural Life of the said *T. H.* in such Sort, Manner and Form, as in and by one Indenture intended to bear Date the Day next after the Day of

Recoveries.

of the Date of these Presents, the same shall be granted, released and conveyed. In Witness, &c.

The Release.

This Indenture Tripartite made, &c. between *T. H.* of the first Part, *J. B.* of the second Part, and *R. H.* of, &c. of the third Part, Witnesseth, That the said *T. H.* for and in Consideration of the Sum of five Shillings, of lawful Money of *England*, to him in Hand paid by the said *J. B.* at or before the Ensealing and Delivery of these Presents, the Receipt whereof is hereby acknowledged: Hath given, granted, released and confirm'd, and by these Presents doth give, grant, release and confirm unto the said *J. B.* All, &c. late in the Tenure or Occupation of the said *T. H.* (but now all in the actual Possession of the said *J. B.* by Force of an Indenture of Bargain and Sale thereof made, bearing Date the Day before the Date of these Presents, and of the Statute for transferring of Uses into Possession being) To Have and to Hold, All and singular the said, &c. and all and every the Premisses with the Appurtenances hereby given, granted, released and confirm'd, or mentioned or intended to be hereby given, granted, released and confirmed, unto the said *J. B.* and his Assigns, for and during the natural Life of the said *T. H.* to the Intent and Purpose that the said *J. B.* shall and may be perfect Tenant of the Freehold of all the said Lands and Premisses, until one or more good and perfect Recovery or Recoveries may be had against him the said *J. B.* of the same Lands and Premisses. And it is covenanted, granted, concluded and agreed by and between all the said Parties

Parties to these Presents, that it shall and may be lawful to and for the said R. H. before the last Day of *Hill*. Term next ensuing the Date of these Presents, to prosecute out of the High Court of *Chancery* one or more Writ or Writs of Entry *sur Disseisin en le post*, against the said J. B. returnable in the Court of Common Pleas at *Westminster*, whereby the said R. H. shall and may respectively demand against the said J. B. all and singular the afore-mention'd Premises, with the Appurtenances by such Name or Names, Quantity or Quantities, Quality or Qualities, Numbers or Content of Acres, as shall be thought fit and requisite, unto which said Writ or Writs the said J. B. shall appear in proper Person, and shall vouch to Warranty *T. H.* who shall appear *gratis* upon the Voucher, and shall enter into Warranty, and shall vouch over to Warranty the common Vouchee, and the common Vouchee shall appear and imparle, and afterwards make Default, whereby one or more Recovery or Recoveries, Judgment or Judgments, may be had and given for the said R. H. for Recovery of the said, &c. Tenements, Hereditaments and Premises afore said, against the said J. B. and for the said J. B. to recover over in Value against the said T. H. and for the said T. H. to recover over in Value against the common Vouchee, according to the Manner and Form of common Recoveries in such Cases used. And it is further covenanted, granted, concluded agreed and declar'd by and between all and every the said Parties to these Presents, and the true Intent and Meaning of the Parties to these Presents is, That from and immediately after the said Common Recovery or Recoveries shall be had, prosecuted and suffer'd as afore said, of the said Premises, The said Recovery or Recoveries shall

shall be and enure, and shall be construed, esteemed, adjudged, and taken to be and enure, and are hereby declar'd to have been intended to be and enure, That the said *R. H.* and all and every other Person and Persons which shall be seized of the Premises, or any Part thereof, by Force or Vertue of the said Common Recovery or Recoveries, shall stand and be seized thereof, and of every Part and Parcel thereof, with their, and every of their Appurtenances, to the only Use and Behoof of the said *T. H.* his Heirs and Assigns, and to no other Use, Intent or Purpose whatsoever. In Witness, &c.

Concerning the Operation and Effect of Recoveries.

2 Co. 127.
3 Co. 80.

1 Co. 22, 62.

5 Co. 41, 10, 37,

39. 7. H. 8.

4 Jenk. Cent. 6.

ca. 35, 39.

See Doct. &c

Stud. 41, 49, 50.

Style's Rep. 450.

A Common Recovery is much of the Nature of a Fine, but it is better in regard it bars Remainders and Reversions. Upon a Recovery an Use may be averred as well as upon a Fine; it is a formal and orderly Assurance of Lands, and it may be avoided, if suffered by Covin to deceive Purchasers, or any usurious Contract, as another fraudulent Conveyance. That it hath great Favour from the Law, many of the Inheritances of the Kingdom depending upon this Assurance, and no Error, except it be a notorious and gross Error in it, will make it voidable; for that it is done by Consent, and doth suppose a Recompence in Value to all Persons that lost the Estate.

That

That a Stranger, that hath Right to the Land at the Time of the Recovery suffer'd, is not barred at all by the Recovery, or by his Laches of Non-claim, &c. as in the Case of a Fine. 3 Co. 5. Stranger not barred.

That a Condition, that a Donee in Tail shall not alien, is void; and therefore such a Donee in Tail may, notwithstanding such Condition, by Recovery bar it. 9 Co. 127. Condition not to alien, barr'd.

That he that is in an Estate in Possession by Title above the Recovery, shall not be bound by the Recovery. 1 Co. 96. a. Title Paramount.

That a Recovery with single Voucher cannot be a Bar of an Estate Tail, to which he that suffers the Recovery has only a Right at the Time of the Recovery suffer'd. 3 Cro. 828. The Recoveree not seized.

That the Recoverors are not in Seisin of the Land till Execution, albeit the Land be in Lease for Years. Moor 137. Recoverors not in Seisin till Execution.

That if a Recovery be had against a Tenant in Tail, and Judgment entred, and the Tenant in Tail die before Execution, yet Execution may be sued against the Issue in Tail. 1 Co. Shelley's Case. Moor 137. Tenant in Tail dies, Execution sued against the Issue in Tail.

That whosoever may suffer a Recovery, he or she may declare the Uses of it. 10 Co. 42. Uses declared.

The Statute of 7 H. 8. c. 4. shews how Recoverors may distrain for Rent, &c. Distress for Rent.

Stat. 21 H. 8. c. 15. shews how Termor for Years may falsify a feigned Recovery, and that a Recoveror may have the same Remedy for Rent, Waste, &c. as the Recoveree had, and Termor for Years may falsify Recovery.

That no Statute Merchant, Staple, or Execution by Elegit shall be avoided by such feigned Recovery. Statute not avoided by Recovery.

That no Heir in Tail (the Reversion and Remainder in the King) shall be barred by Common Recovery. Stat. 34 & 35 H. 8. c. 20. The Reversion in the King.
but

Moor 344.

As if Tenant for Life make a Lease for Years, and the Lessee doth make a Feoffment in Fee, and the Feoffee suffereth a Recovery, and voucheth the Tenant for Life, 'tis not good against the Reversioners or Remainders.

Assent upon Record.

Recovery suffered by Spiritual Persons.

Tenants for Life, and he in the Remainder vouch the Common Vouchee. Co. 3. 6.

but this is supposed, where the Land is of the King's Gift, and not of a Subject.

By Stat. 14 Eliz. c. 8. Recoveries had or prosecuted by Agreement (or Covin) against Tenants by the Courtesy, Tenants in Tail after Possibility of Issue extinct, for Term of Life or Lives, or of Estates determinable upon Life or Lives, &c. shall be void, as against the Reversioners, or them in Remainder, and against their Heirs and Successors.

But this Act is not to prejudice any Person that shall by good Title recover any Lands, &c. without Fraud, by Reason of any former Right or Title; also every such Recovery had by Assent and Agreement of the Person in Reversion or Remainder, appearing of Record in any of the Queen's Courts, shall be good against the Party so assenting: But this Assent must appear upon the same Record, either upon a Voucher, Aid Prier, Receipt, or the like, and not by any extrajudicial Entry or Memorandum. Co. Lit. 362.

Recovery by Spiritual Persons, as Bishop, Dean, Parson, Vicar, of their Spiritual Lands, shall not bind their Successors. See Stat. 32 H. 8. c. 28. 13 Eliz. c. 20. 15 Eliz. c. 11. 18 Eliz. c. 10, 20. Co. Lit. 441.

But if Tenant for Life and he in Remainder in Tail suffer a Common Recovery, and both vouch the Common Vouchee; this is held to be no good Recovery to bar the Issue in Tail. 1 Co. Marquis of Winchester's Case. For he in Remainder was not Tenant to the *Præcipe*, being not in Possession.

But if there be Tenant for Life, the Remainder in Tail, the Reversion or Remainder in Fee, and the Tenant for Life is impleaded by Agreement, and he vouch the Tenant in Tail, and he vouch over the Common Vouchee; this will bar the Reversion or Remainder in Fee, altho' he in the Reversion or Remainder did never assent to the Recovery.

Tenant for Life vouches Tenant in Tail, and he vouches over the Common Vouchee.

Bar without Assent.

So if the Tenant for Life surrender to him in the Remainder in Tail, he may suffer a Recovery, and bar the Estate-Tail. *Co. Lit.* 362. See the Form of a Surrender at the End of this Book.

Surrender to Tenant in Tail.

As to Recoveries by Covin take this in general.

That if the Tenant for Life suffer a Common Recovery without the Assent of him in Reversion; this is void by the Statutes 32 H. 8.

Recovery by Tenant for Life by Covin.

31. 14 *Eliz. c. 8.* And will be a Forfeiture of the Estate of Tenant for Life. See 1 *Co. Pelham's Case.*

Forfeiture.

And yet if Tenant in Tail in Possession or Remainder suffer a Common Recovery by Agreement in any Case, (except where the Reversion is in the King) this is good, and may not be falsified as done by Covin; so where Tenant for Life is, the Remainder in Tail or Fee, and the Tenant for Life suffer a Common Recovery, and vouch over him in the next Remainder in Tail, or him in the next Remainder in Fee; this is not fraudulent, but a bar to the Estate-tail, &c. 10 *Co.* 43, 49.

And yet if the King give Land in Recompence of any Service done to him or for other Cause, and the Tenant in Tail, whilst the Reversion is in the King, suffer a Common Recovery, this shall be said to be fraudulent and void as against the

Recovery fraudulent against the King.

the King and his Successors by the Stat. 34 H.
8. c. 20. 10 Co. 84. *Plowd.* 54.

No Covin
where Tenant
in Tail is Party.

And it is to be known, that upon the Stat.
14 *Eliz.* of feigned Recoveries, that thereby
no Reversion or Remainder expectant upon an
Estate-Tail is preserved where the Tenant for
Life is impleaded, and Tenant in Tail vouch-
ed ; for where the Tenant in Tail is Party to
the Recovery it cannot be by Collusion, be-
cause it is in the Power of him to dock the
Remainder and Reversion. 10 Co. 45. *Et quis
jus & fraus nunquam cohabitant.*

Wife suffers a
Recovery of
the Lands set-
tled to her in
Jointure is
fraudulent.

Also if Land be conveyed by a Husband, or
any of his Ancestors, to the Wife, for her Life,
or to her and her Husband, and their Issue in
Tail, for the Jointure of the Wife : And after
the Husband's Death the Wife alone, or she
and an after Husband shall suffer a Common
Recovery of the Land ; this shall be esteem'd
fraudulent, and void by the Statute. 11 H. 7.
c. 20. But more of this hereafter.

Recoveries by Husband and Wife.

Husband and
Wife join.

Wife an In-
fant.

Remainder to
Husband and
Wife.

THAT a Common Recovery suffer'd by
a Woman Covert that hath an Hus-
band, who doth join with her in the Reco-
very, is good, and will bind them, their Heirs
and all others ; but if she be an Infant, and
appears as Vouchee by her Attorney, this Re-
covery will not bind her. 10 Co. 43. *Plowd.*
515. *Bridg. Rep.* 69, 70, 71.

If there be Tenant for Life, Remainder to
Husband and Wife and their Heirs, and the
Husband and Wife suffer a Recovery, being
vouched by the Tenant for Life ; this shall
bind the Wife. *Style's Rep.* 320.

If the Husband and Wife be joint Tenants of an Estate in Fee-Simple or Fee-Tail of Land before Coverture, and the Husband alone suffer a Recovery of it; this is good for a Moiety.

Husband and Wife joint Tenants before Coverture, Recovery by Husband alone.

And if Husband and Wife be joint Tenants after the Coverture, and then they suffer a Recovery together, this will bind them.

Joint Tenants after Coverture Recovery by both.

Also if Husband and Wife be joint Tenants for Life of Land, the Remainder to the Heirs of the Husband, and they suffer a Recovery of it; this is no Bar to the Issue for any Part of the Land. *Moor* 350. See after.

Husband and Wife joint Tenants, Remainder to the Husband's Heirs.

Where Lands are given to a Man and his Wife, and the Heirs of the Body of the Wife, or to the Wife, and the Heirs of her Body, and the Writ of Entry is brought against the Husband and Wife, and they vouch the Common Vouchee; these are good Recoveries, and will bar the Estates of the Husband and Wife, and of them in Remainder and Reversion expectant thereupon. *Lit. Bro.* 37, 81.

Lands given to Husband and Wife, and the Heirs of the Body of the Wife.

Where a Man hath Land in which his Wife has a Jointure, or to which she will have Title of Dower after his Death; if in this Case the Writ of Entry be brought against them both, and they vouch the Common Vouchee, and to a Recovery is had, this Recovery will bar them both; but not if against the Husband alone, without her, of any such Estate by a Recovery, for she may falsify and avoid it after his Death. *Plowd.* 514. 3 Co. 5.

Recovery of Wife's Jointure.

How good.

How void.

If Land be given to Husband and Wife, and the Heirs of the Body of the Husband, the Remainder over, and the Husband alone suffer a Common Recovery, this is no Bar to the Remainder. 3 Co. 5.

Lands given to Husband and Wife, and the Heirs of the Body of the Husband, Remainder over.

Husband Tenant in Tail, Remainder to the Wife in Tail, Husband suffers a Recovery. Land to two, and the Heirs of one, Remainder over, Recovery by one, good for a Moiety. But betwixt the Husband and Wife there are no Moieties. 3 Co. 5, 6. Recovery suffer'd by Wife, of her Estate in Dower, for Life, or in Tail of the Inheritance or Purchase of the Husband, &c. void.

Recovery by one that hath Fee-simple.

By a Mortgagee.

If the Husband be Tenant in Tail, the Remainder to the Wife in Tail, and he suffer a Recovery of the Land; by this she is barred.

And yet if Lands be given to two others, and the Heirs of the Body of one of them, the Remainder over to a Stranger, and the Writ of Entry is brought against one of them, and he vouch the Common Vouchee, and so a Recovery is had; this is a good Recovery, and Bar to all the Estates for one Half of the Lands, 3 Co. 5, 6.

But all this notwithstanding, if a Woman that has an Estate in Dower, for Life, or in Tail, jointly with her Husband, or only to her self, or to her Use, in any Lands, &c. of the Inheritance or Purchase of her Husband, or given to the Husband and Wife by the Husband's Ancestors, or any seized to the Use of the Husband or his Ancestors, do, after the Husband's Death, sole, or with another Husband, suffer a Recovery of it, it shall be void; and he to whom the Land ought to belong after the Death of the said Woman, may enter as if the Woman was dead; and yet if in this Case she doth it with the Consent of the next Heir, or shall join with him, that is a good Recovery; or if the Writ be brought against her, and she vouch the Heir in Tail, and so the Recovery is had. Stat. 11 H. 7. 20. 3 Co. 51, 59, 60.

A Common Recovery suffer'd by one that hath Fee-simple of Land, will bind him that suffers it, his Heirs, and all others.

If a Mortgagee suffer a Recovery, this will not bind the Mortgagor; but if the Mortgagor be a Party to the Recovery, the Recovery will be good. 2 Cro. 592, 593.

Recoveries.

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If one devise Land to another and his Heirs as long as *J. S.* hath Issue of his Body: In this Case no Recovery will seclude or bar him that made the Gift, of his Possibility to have the Land again, unless he be a Party to the Recovery by Voucher; for a Recovery against a Tenant in Fee simple shall never bind a collateral Interest, Title or Possibility; as a Condition, Covenant, or the like. 2 Cro. 593.

How to bar him that hath a Possibility of a Reverter upon a Demise conditional, collateral Interest.

If *A.* be Tenant in Tail, the Remainder to *B.* in Tail, Remainder to *C.* in Tail, Remainder to *D.* in Fee. *A.* makes a Feoffment, and the Feoffee suffers a Recovery, and doth vouch *B.* who voucheth over: By this Recovery *A.* is not barred at all, but *B. C.* and *D.* are barred of all their Remainders. 3 Co. 6.

Three Tenants in Tail, Remainder in Fee. First Tenant makes a Feoffment, Feoffee suffers a Recovery, and vouches the 2d Tenant in Tail.

It is said, That if Land be to *E.* for Life, the Remainder to *B.* in Tail, the Remainder to *C.* in Fee: *B.* dieth, (his Wife being young with Child of a Son) and a Recovery is had against *E.* with the Assent of *C.* and afterwards a Son is born: In this Case, the Son shall not be holpen by the Statute 32 H. 8. for that the Remainder was not *in esse* at the Time of the Recovery. 2 Leon. 224. Case 285. *Quære de hoc.*

By Tenant in Possession.

So if a Feoffment be to the Use of himself for Life, and after of his eldest Son in Tail, and after of his Heirs (not having any Son at the Time of the Feoffment made) after he suffers a Common Recovery, and hath Issue a Son, who dieth in the Life of his Father, having Issue a Son, and after he dieth: In this Case the Son and Heir of the Son may not void this Recovery by 32 H. 8. 2 Leon. 224. but may avoid it by Common Law. 2 Leon. 224.

Feoffment to Father for Life, Remainder to the eldest Son in Tail, and his Heirs, and Recovery is suffered by the Father before the eldest Son is born, who after is born and hath a Son.

Two Tenants in Tail, Remainder in Fee; the 2d Tenant in Tail, or he in Fee, makes a Lease, or grants a Rent-charge; the first Tenant suffers a Recovery, the Lease or Rent is discharged. See after.

Tenant in Tail, Remainder over, Tenant in Tail suffers a Recovery, and vouches the Common Vouchee.

Rent discharged. See before.

Recovery of a Reversion, Lease for Years saved.

It is a Rule, that where the Estate-Tail in Possession is not barred by a Recovery, there the Estate in Reversion or Remainder is not barred: *Quod non in magis propinquo, non in magis remoto valebit*; and so it is *è converso*, where the Estate-Tail in Possession is barred by the Recovery, all the Remainders and Recoveries, Conditions, Charges, Incumbrances and Estates depending upon it are barred also, except in some Special Cases where the Reversion or Remainder is in the King. And therefore, if A. be Tenant in Tail, the Remainder to B. in Tail, the Remainder to C. in Fee, and B. or C. doth make a Lease for Years of the Land, or grant a Rent-Charge out of the Land, or enter into a Statute, or the like, or grant the Remainder or Reversion upon Condition, and after A. doth suffer a Common Recovery of the Land, and then dieth without Issue, in this Case the Recoveror will hold the Land discharged of all these Estates, Remainders and Charges. 1 Co. 62. Jenk. Cent. 6. cap. 41. 6 Co. 43. Moor 298.

But if a Common Recovery be had against Tenant in Tail, where there is a Remainder over to another, and he vouch over the Common Vouchee; in this Case, and by this he is barred, and his Issue, if he had any, and he in the Remainder is barred, and so is he in Reversion also, altho' it has been held otherwise. 1 Co. 63. Benk. 11.

If he in Remainder grant a Rent, and after the Tenant in Tail suffer a Recovery, and die without Issue, the Remainder is discharged of the Rent. Moor 298.

And if there be a Lease for Years, and a Recovery suffer'd of a Reversion, this will not hurt the Lease for Years, hut he may falsify it by Stat. 11 H. 8. 15.

But a Recovery suffer'd by Tenant in Tail after he hath made a Lease of the Land, or entered into a Statute, will make the Lease or Charge that before was voidable, good against the Issue in Tail, and him in Remainder or Reversion; and the Recoveror also shall hold it charged, and subject to the Lease made by Tenant in Tail. 1 Co. 25. 44 Ed. 3. 22.

Tenant in Tail may not avoid his own Lease, or Rent granted by him out of the Land, but the Recovery shall enure to perfect the Grant and Lease.

If he in Reversion upon an Estate-Tail grant a Rent-Charge, and Tenant in Tail discontinues, this Charge is of no Effect until the Re-continuance of the Estate-Tail by him in Reversion, tho' Tenant in Tail die without Issue. Jenk. Cent. 6. cap. 41.

Reversioner grants a Rent-Charge, and Tenant in Tail discontinues, and dies without Issue.

But where a Recovery is by Collusion against Tenant in Tail, and the Tenant dies without Issue; such a Grantee may falsify this Recovery as a Stranger; but otherwise it is of Parties and Privies to it.

Recovery by Collusion against Tenant in Tail, who dies without Issue.

And in all Cases afore-mention'd of a Recovery that is void, it must be understood to be void, as to the Issues, Heirs, &c. of him that suffers the Recovery, and as to them that are in Reversion and Remainder of their Estate, and not as to the Parties to the Recovery; for as to them, the same doth for the most Part conclude them by Way of Estoppel. 3 Co. 5. Estoppel.

General Rule.

How a Recovery may be avoided, or falsified.

Recovery 2-voided.

IT may be defeated, frustrated and avoided in Part, or in all, for many Causes and Ways; and this is called falsifying of a Recovery.

By Error.

Sometimes it is by Writ of Error, when there is some gross or substantial Error in the Manner of the Proceeding.

Not for incongruous *Latin*, or want of Form.

But not for incongruous *Latin*, Rasure, Interlining, Misentrining of any Warrant of Attorney, misreturning or nor returning of the Sheriff, or other want of Form in Words, and not in Matter of Substance. 23 *Eliz. cap. 3.* 21 *H. 8. cap. 15.* *Co. Lit.* 46, 104. *Plowd.* 515. *Dyer* 242. 3 *Co.* 78. 5 *Co.* 40.

Avoided by pleading that it was by Covin.

And sometimes it may be avoided by pleading and setting forth of the Special Matter, as where the Recovery is by Covin against Tenant for Life.

That he was not Tenant to the Freehold.

Or for that he, against whom the Writ is brought, is no Tenant to the Freehold by Right or by Wrong, at the Time of the Writ of Entry brought; as where a Writ is brought against a Stranger that hath nothing in the Land, and he doth vouch the Tenant in Tail in Possession of the Land.

By Infant, and how.

An Infant that suffers a Recovery, may not avoid it by Entry, but must avoid it by Writ of Error, *Style Rep.* 246.

Neither Party, nor Privy.

Or a Recovery may be avoided, for that he that hath the Estate and Right, is neither Party nor Privy to the Recovery; as where it is brought against a Disseisor, and he vouches one that hath nothing in the Land.

Or

Or where the Recovery is had against the Husband alone, of the Land whereunto his Wife hath Title of Dower. Recovery against Husband alone.

Also the Issue in Tail against a Common Recovery had by the Ancestor, may say, That he was not Tenant to the *Præcipe*, nor seized of an Estate Tail *tempore brevis*; and this is a good Bar. 3 Co. 11. Not Tenant to the Præcipe.

As where he in Remainder in Tail discontinues the Estate-Tail, and takes a new Estate, and then suffers a Common Recovery; by this the Estate-Tail is not barred, for he was not seized of it, as is before observed. Not seized.

So if Tenant for Life, and he in Remainder in Tail, suffers a Common Recovery; by this the Estate-Tail is not barred, for he was not seized of it, as is before observed. Note, This is to be intended of a Recovery with single Voucher.

So if Tenant for Life, and he in Remainder in Tail, suffer a Common Recovery, and both vouch over the Common Vouchee, as is before observed. Tenant for Life, and he in Remainder, both vouch Common Vouchee.

So if A. be Tenant in Tail, Remainder to B. in Tail, Remainder to C. in Tail, Remainder to D. in Fee. A. makes a Feoffment, the Feoffee doth suffer a Recovery, and vouch B. who voucheth over; A. is not barred, but B. C. and D. are barred, and all their Remainders. 1 Co. 3. as is before observed. Three Tenants in Tail, Remainder in Fee. First Tenant discontinues, the Discontinuee makes a Feoffment and vouches 2d Tenant in Tail. Recovery avoided by Tenant by Elegit, &c.

A Recovery in some Cases may be avoided by others; as,

Where a Recovery is had of the Land, whereof I have an Estate for Years, by Statute, *Elegit*, or the like, at the Time of the Recovery had.

And where a Recovery may be avoided for any of the afore-mention'd Causes, it must be by one whom it doth concern, and that otherwise should have had the Land, and not by any other whom it doth not concern. General Rule, who may avoid the Recovery.

Issue of Tenant
in Tail.

As if an erroneous Recovery be suffer'd by Tenant in Tail ; in this Case his Issue, or if they fail, the next in Remainder or Reversion shall defeat it.

By Tenant in
Tail.

So also if the Land be recover'd against a Tenant in Tail, the Disseisee shall avoid it.

By Disseisee.

And if the Land be recover'd against a Disseisor, the Disseisee shall avoid it ;

Tenant by Sta-
tute, &c.

And the Land recover'd against him in Reversion or Remainder ; the Tenant by *Statute*, *Elegit*, or for Years, shall avoid it.

But in these Cases they must avoid it during their particular Estates, and may not do it afterwards.

By the Wife.

The Wife may falsify a Recovery suffer'd by her Husband alone, as to her Title of Dower only, and no longer, or farther.

By him in the
Remainder.

So he in Reversion or Remainder may falsify and avoid a Recovery suffered by the Tenant for Life, either in the Life-time of the Tenant, or afterwards, to which he was not privy.

No Advantage
to be taken by
a Stranger.

But a Stranger shall never take Advantage of a Recovery, altho' it be erroneous. *Jenk. Cent.* 8. Case 32.

Rule.

But neither he in Reversion or Remainder, or any by or under him, or any other, may falsify a Recovery suffer'd by Tenant in Tail in Possession, except it be for the Causes before set down.

Not by the
Recoveror or
Tenant of a
Manor.

The Recoveror himself may not falsify a Recovery, nor a Guardian, or a Tenant of a Manor ; as if one hold a Manor, and a Stranger recover the Manor by a feigned Title, a Tenant of the Manor may not falsify it.

Termor for
Years may a-
void.

But a Termor for Years may falsify a feigned Recovery had against him in Reversion, and shall retain and enjoy his Term against the Recoveror,

coveror, his Heirs and Assigns, according to his Lease, by the Statute of 21 H. 8, 15.

No Statute Staple, Merchant, or Execution by *Elegit*, may be avoided by a feigned Recovery, but such Tenants shall have like Remedy to falsify such Recovery as the Lessee for Years may have. 21 H. 8. cap. 15. Co. Inst. 2. 321, 322. 1 Cro. 284.

No Statute, &c.
barred by Recovery.

Sometimes it may be avoided by Entry, as well as by Writ of Error and Pleading.

Recovery avoided by Entry.

Sometimes it hath been made void by the Sentence of a Court called a *Vacat*, when the Recovery hath been by Covin; as where Tenant for Life shall suffer a Recovery to disinherit him in the Reversion, or by some undue Practice, or sinister Dealing.

By a *Vacat*.

And this hath been done only upon the Discovery of the Matter of Practice to the Court, upon which only the Court doth make void the Judgment. Plowd. 515. 1 Co. 62, 63, 64. Dyer 249.

A Termor for Years, by Deed, or without Deed, may falsify a feigned Recovery had against him in Reversion, and shall retain and enjoy his Term against the Recoveror, his Heirs and Assigns, according to the Lease; and the Recoveror shall have like Remedy against the Termor, his Executors or Assigns, or Action of Debt for Rents and Services reserved upon such Lease, and due after such Recovery, as the Lessor might have had if such Recovery had never been.

Termor for Years, how he may avoid, &c.

Also Tenants by Statute-Staple, Statute-Merchant, or upon Execution by *Elegit*, may also falsify such Recoveries as the Lessee for Years may do; Statute 21 H. 8. cap. 15. Co. Inst. 2 Part, 322, 323. See the Statutes.

Note,

Errors amendable by the Court.

Note, That most Errors in a Common Recovery are amendable by the Court the first Term after the Recovery is had ; but for all this, see *Dyer* 1, 105, 188. 6 Co. 7. 8 Co. 162. 2 Bulst. 14. Golds. 181. *Bridgeman* 71. *Owen* 68.

Where, by whom, and how a Recovery may be falsified. See *Hugh's Nomotomia*, Page 459, 460.

And for Avoidance of a Common Recovery, see more in 2 *Part Co. Inst.* 320, 322, 323, cap. 2. sect. 17, 18.

Rules for directing the Uses of a Recovery.

Note also, That the same Rules, (for the most Part) are to be observed and followed for the guiding and directing of the Uses of a Recovery, as are observed for the Guidance and Direction of the Uses of a Fine, viz. That an Use may be averred upon it, &c.

See more of Common Recoveries in *Moor's Rep.* 95, 727. *Bro. sect.* 143. *Hob. Rep.* 338. *Godb. Rep.* 417.

Of Recoveries suffered by Infants, where good or not, and how and when to be avoided.

IF an Infant Tenant appear *per Guardianum*, In what Cases either as Defendant or Vouchee, he shall be bound as well as one of full Age; and if the Guardian feint pleads or mispleads, the Infant hath a good Action against him. Where an Infant comes in Person as Vouchee, Error lies not after full Age, because it must be tried by Inspection, which cannot be after full Age. If he appears by Attorney, and suffer a Common Recovery, then it shall be reversed by Error, *aliter per Guardian*. *Sid. 321. Raby and Robinson, 2 Keb. 141. Mod. 48. Hesket and Lee, Style 246.* So is Earl of Newport and Sir H. Midway's Case. Recovery against an Infant, who appears *per Guardian*, and voucheth over is not erroneous. My Lord Hobart, p. 196. certifies, That the King by Letter under his Privy Signet and Sign Manual, signified to him and his Fellow Justices of the Court of Common-Pleas, that he was petitioned by *Mountjoy Blunt*, under the Age of 21 Years, and by his Friends and Kindred and Feoffees, into whose Custody the late Earl of *Devonshire* did commit his Estate in Trust, that he might be admitted to suffer a Recovery of his Manor of *W.* for Payment of Debts, &c. Saith Lord Hobart, Tho' we did never hold such Recovery very unlawful, or void in Law, yet we have refused many Motions of that Kind, as holding it very inconvenient; but Convenience is discern'd by Circumstances: Whereupon saith Lord Hobart, I sent for the young Gentleman,

Recoveries.

man, and secretly examin'd him, and he being 18 Years of Age, satisfy'd me that he did conceive it necessary for his Estate, and I called the Earl of *Southampton*, Lord *Davers*, and Mr. *Wakeman*, the Persons to whom his Estate was committed in Trust, they all confessed it was necessary, and the Recovery was passed openly at the Bar against *Montague Blunt* in Person, and the Earl of *Southampton*, Lord *Davers* and Mr. *Wakeman* were admitted his Guardians.

Baron and Feme are Tenants, and vouch the common Vouchee ; the Feme was an Infant, and appear'd in Person, and not by Guardian, therefore it was reversed. *Cro. Eliz.* p. 321. *Hopton* and his Wife against *St. Johns*.

There was a Case in the Time of Queen *Elizabeth*, mention'd in 1 *Leon.* N^o. 29. *b. A.* Tenant in Tail, the Remainder to *B.* in Fee: *A.* sold the Land to *J. S.* and his Heirs, and for Assurance made a Feoffment in Fee, and levy'd a Fine to *J. S.* to the Use of *J. S.* and his Heirs ; by the Indenture of Bargain and Sale, *A.* covenanted to make such farther Assurance within two Years, as the said *J. S.* or his Heirs, or their Counsel should advise ; before any Assurance made, *J. S.* died, his Son and Heir within Age ; it was devised, that for such farther Assurance, and cutting off the Remainder, a Common Recovery should be suffer'd, in which the said Infant should be Tenant to the *Præcipe*, and should vouch the Vendor ; and that the said Recovery should be to the said Infant and his Heirs. Two Precedents were shewn in such Case, one was the Case of the Earl of *Shrewsbury*, and the other one *Wiseman's Case*. After some Doubt, upon the Appearance of a good and sufficient Guardian for the Infant, the Recovery passed.

Of Tenant to the *Præcipe*, when and by what Conveyance, good or not, and who is a good Tenant to the *Præcipe*.

A. Lessee for Life, Remainder to *B.* in Tail, and a *Præcipe* is brought against *B.* if *B.* happens to have a Surrender of the Lessee for Life, at any Time before the Recovery, 'tis a good Recovery, and the *Præcipe* is made good. *Noy. p. 126.*

Surrender of the Lessee for Life.

If a Tenant to the *Præcipe* is made by Lease and Release, it is good, tho' there were no Consideration. *1 Mod. Rep. 262. Baker and Keat. Q.*

The Conusee of a Fine *Ostab. Pur.* is a good Tenant to the *Præcipe* of a Recovery the same Day; and the Court will suppose a Privity the same Day, to support a Conveyance. *Hill. 22. Car. 2. B. R. Fettiplace's Case.*

Bargain and Sale, and Fine to Lessee for Years or in Reversion to make them Tenants to the *Præcipe*, destroys not the Reversion for Years, *Rol. Rep. 249.* and so is *Fountain and Cook's Case. 1 Mod. 107.* If Lessee for Years be made

Lessee for Years is made Tenant to the *Præcipe*; this doth not extinguish his Term.

Tenant to the *Præcipe* for suffering a Common Recovery; this doth not extinguish his Term, because it was in him for another Purpose.

In the Case of *Dame Griffin and Stanhope, Cro. fac. 455.* a Common Recovery was produc'd at a Trial, the Counsel on the other Side press'd them to prove who was Tenant to the *Præcipe* at the Time of the Recovery; but the Court would not allow it, for it shall be intended a good Recovery;

Recovery ; and if it were otherwise, the Proof ought to be made by the other Party.

Bargainee before Inrolment, a sufficient Tenant to the *Præcipe*.

In a Case, *Mich. 29. Car. 2.* amongst the Serjeants, it was held by *Ellis, Newdigate* and *Dolbin*. If Bargainee suffers a Recovery by Writ of Entry, *retorn' crastino Martini*, and after the Deed is inrolled ; that in such Case the Bargainee was sufficient Tenant to the *Præcipe* before Inrolment, by this Relation subsequent, and that this Bargain and Sale may lead the Use of this Recovery. But *Raymond* doubted that the Inrolment coming after the Retorn of the Writ of Entry, came too late to make a Tenant to the *Præcipe* ; and it was said 4000*l.* was lent upon this Title. *Vide infra, Hobart's Opinion* : And the Lord *Hobart*, in *Duncomb* and *Wingfield's Case*, is of Opinion, if the Defendant be Tenant to the *Præcipe*, either at the Time of the Writ purchased, or at the Retorn of it, it is sufficient.

A Stranger made Tenant to the *Præcipe* with Tenant in Tail.

A Recovery was held clearly good, altho' a Stranger, that had nothing in the Land, was made Tenant to the *Præcipe* with the Tenant in Tail ; for the Recompence in Value shall go to him that lost the Estate ; and being a common Assurance, it shall be favourably expounded. 1 *Vent. 358. Anonymus.*

Tenant for Life, and he in Remainder in Tail suffer a common Recovery, in which they both vouch the common Vouchee ; this shall not bind the Estate-Tail, for he in the Remainder in Tail is not Tenant to the *Præcipe*, but the Tenant *pur vie* ; and in Truth the Land is recovered against Tenant *pur vie* only, and the Recompence cannot vest in him in Remainder only, because the Land is in Truth recovered against Tenant for Life. *Leach* and *Cole's Case*, cited in *Cupledike's Case*. 3 *Rep.*

It was the Opinion of *Plowden* in *Manxell's* Case, if Tenant for Life be, the Remainder or Reversion over in Tail, if a Common Recovery be had against him in Remainder, or Reversion, it shall bar the Estate-Tail, was denied for Law by all the Justices; for there is not any Tenant to the *Præcipe*, but only by Admission and Conclusion, which shall not bind the Issue in Tail. *Præcipe* against Tenant for Life, who voucheth him in Remainder in Tail, who voucheth the Common Vouchee, he in Remainder is barred. 1 *Anderson* 275. *Wiseman* and *Jenning's* Case.

By *Bridgman*, in his Argument in *Thomason* and *Mackworth's* Case. *Carter Rep.* 78. I Bargainee be- fore Entry, a good Tenant to the *Præcipe*. Bargainee hath an Estate before Entry, and he is a good Tenant to the *Præcipe* in a Common Recovery, yet he cannot bring Trespass.

A Common Recovery cannot be suffered where the Estate Tail is expectant on an Estate for Life, (Tenant for Life not being made Tenant to the *Præcipe*) 1 *Vent.* 360. This is true in a Writ of Entry in the *Post*, which is more commonly used; and the true Reason is, that such Writ supposeth a Disseisin) which cannot be when there is a Tenant for Life in Possession.

This Case was put by *Montague*, the King's Serjeant, unto the Lord Chief Justice *Hobart*, when he took the Place of Lord Chief Justice in C. B. Tenant in Tail, the Remainder in Tail, the Remainder in Fee. Tenant in Tail is attainted of Treason, Office is found. The King by Letters Patent granteth the Land to A. who bargains and sells it by Deed to B. and B. suffers a Common Recovery, by which the Tenant in Tail is vouched, and afterwards this Deed

Bargainee before Inrolment, no good Tenant to the *Præcipe*.

Deed is inrolled; the Question was, if it were a good Bar of the Remainder? The Lord Chief Justice *Holt* was of Opinion, that it was no Bar of the Remainder, because, before Inrolment, nothing passed but by Way of Conclusion, and the Bargainee was not lawful Tenant to the *Præcipe*. *Godb.* p. 218. 2 *Inst.* 675.

If he in Reversion suffers a Recovery to divers Uses, his Heir cannot plead that his Father had nothing in the Land at the Time of the Recovery, for he is estopped to say, that he was not Tenant to the *Præcipe*; and agreed that it was a good Recovery against him by Estoppel. *Godb.* 141. 4 *Leon.* 238. *Cro. Eliz.* 21.

How and what is the Reason that Common Recoveries are a Bar.

IT is said in *Hudson and Benson's Case* per *Hale* That the Recompence in Value is the Reason of the Bar by Common Recovery against the Issue in Tail, but it is not the Reason of the Bar *quoad* him in Reversion, or him in Remainder; but the Reason of this is, That the Recoveror by Supposition of Law is in of the Estate-Tail, and he had in Judgment of Law a Continuance still; as at Common Law the Donor *post prolem suscitatus* might have aliened and barred the Donor; and a Common Recovery is as a Conveyance excepted out of the Stat. *de donis*, and the Recoveror is in of the Estate that the Vouchee had; but the Issue in Tail is barred of his Claimer in respect of the intended Recompence by the Recovery, and the Estate-Tail, having in Judgment of Law Continuance nothing upon the Reversion or Remainder may

take Place ; and this is the Reason of *Capel's* Case, that a Charge, made by him in Remainder, cannot take Place after the Recovery suffer'd by Tenant in Tail. 2 *Lev.* 27.

What Things, or Estates, a Common Recovery will bar, or not.

IT shall not avoid Acts or Charges, Rents or Conditions, made or granted by Tenant in Tail.

Tenant in Tail grants a Rent-charge, and then suffers a Common Recovery, the Rent-charge will not be avoided. A Recovery will not bar that, tho' it doth a Reversion, because the Estate of him that suffereth the Recovery is charged with the Rent. So if there be a Limitation of Use upon a Condition, and *cestuy* in use suffers a Recovery, that will not destroy the Condition, the Estate being charged with it; for the Recoveror can only have the Estate, which the that suffered the Recovery had it; and so long as any one comes in by that Recovery, he comes in in Continuance of the Estate-Tail. Tenant for Life, the Remainder in Tail; Tenant in Remainder lets for Years, to begin after the Death of Tenant for Life; Tenant for Life suffers a Recovery, with Voucher of him in Remainder in Tail, and dies. This Lease is not destroy'd, and the Lessee may well falsify the Recovery. But if Tenant in Tail, who had the Inheritance had suffer'd a Common Recovery, that should have destroyed all the Reversions and Reversions thereon depending, and all the Estates derived out of such Reversion. *Cro. Eliz.* 218. *Pledgard and Lake.*

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Z

Rowland

Rowland Moseley covenants to levy a Fine of Lands, to the Use of himself, and the Heirs males of his Body, the Remainder in Tail to several others: Provided if there shall be a Failure of Issue male of his Body, and *Anne M.* be married, or of the Age of Twenty-one, then she shall have 200 *l.* per Annum for ten Years. *Rowland* dies, leaving Issue *Edward*; *Edward* makes a Lease for a thousand Years, then levies a Fine, and suffers a Recovery, and dies without Issue male, and the Contingents did happen. Now Tenant in Tail suffering a Common Recovery, a Rent by him in Remainder shall be barred; this Charge doth arise precedent to the Remainder, though subsequent to the Estate-Tail, and the Remainder for Years is barred, though it was some Question in Queen *Elizabeth's* Time. So long as the Rent doth not come within the Compass and Limitation of the Estate-Tail, the Rent is destroy'd, and the Lease for Years doth not preserve it, for it is not chargeable with it. 1 *Mod.* 108. *Benson* and *Hudson*, 2 *Lev.* 21. the same Case.

Gift in Tail determinable upon Non-Payment of 100 *l.*

A Man made a Gift in Tail, determinable upon his Non-payment of 100 *l.* Remainder over in Tail to *B.* Tenant in Tail before the Day of Payment of the 100 *l.* suffers a Common Recovery; by that he hath barred all and hath Estate in Fee; by *Hale*.

Tenant in Tail reserving Rent, a Common Recovery will not bar it. If a Condition be for Payment of Rent, it will not bar it, *Benson* and *Hudson's* Case *supra*: But if the Condition be for doing a collateral Thing, it will bar.

A. gave Land to B. in Tail, rendring Rent; B. suffer'd a Common Recovery with Voucher, unto the Use of a Stranger and his Heirs; it was the Opinion of some, that the Rent remain'd, and it was said by *Hesketh*, Attorney of the Court of Wards, that it was lately the Case of the Lord *de la Ware*, that in such Case, notwithstanding such Common Recovery, the Donor should have the Rent, although that his Reversion was gone; but *Coke* was of Opinion, That the Rent was gone, for the Rent was incident to the Reversion, and there is not any Question, but that the Reversion is gone.

3 Leon. p. 261.

If Tenant in Tail be with a Limitation, so long as such a Tree shall stand, a Common Recovery will bar that Limitation. *Benson's Case supra*.

In *Pell and Brown's Case*, Cro. Jac. 590. The Recovery could not bar the Possibility, for he was not Tenant in Tail that did suffer the Recovery, but he had only a Fee Simple determinable, and the Contingent Remainder did not depend upon the Estate-Tail, nay, did not depend by Way of Remainder, but by Way of Contingency.

Tenant for Life, Remainder for Life, Remainder in Tail, Remainder in Fee; first Tenant for Life suffers a Common Recovery, the Estate Tail is barred, though the second Tenant for Life is no Party. 1 *Brownl.* 34. but the Remainder in Tail must join.

Baron and Feme, Tenants in Special Tail, levy a Fine to the Use of him and his Wife in Special Tail, Remainder to Baron in Tail, Remainder over; in a *Præcipe* against the Conisee, he voucheth the Husband, who, as Vouchee,

comes in, and a Common Recovery passeth, this shall not bar the Reversioner in Fee. 2 *Roll. Rep.* 447. *Duncomb and Wingfield.*

Recovery of a
Moiety, good;
or a third Part.

If a Man have Interest only in a third Part of a Manor, and suffers a Recovery of the Moiety of the Manor, it is good for the third Part. *Cro. Car.* 109. *Isfam and Morris.*

A Recovery cannot destroy a Thing executory, which doth depend upon a Contingency.

Now, tho' a Lease to commence after an Estate-Tail is good, yet it may be barred by a Common Recovery. *Sid. p.* 102. *Goodyer and Clark.*

A Feoffment is made to the Use of himself for Life, and after to the Use of his eldest Son in Tail, and after to his right Heirs, he not having any Son at the Time of the Feoffment, he suffers a Recovery, and then had a Son, the Son shall not avoid the Recovery. 2 *Leon. p.* 224. *Alit'* had there been Feoffees to preserve contingent Uses.

Tenant for Life, the Remainder to his eldest Son in Tail, a *Præcipe* is brought against them, and they suffer a Common Recovery by Common Voucher; this Recovery shall not bar the Remainder to the second Son. *Cro. Eliz. p.* 670. *Leech and Cole.*

The Words of the Will in *King and Melling's* Case, were, *I give my Land to my Son B. for his natural Life, and after his Decease, I give the same to the Issue of his Body lawfully begotten on a second Wife, and for want of such Issue to J. M. and his Heirs for ever, provided that B. may make a Jointure of all the Premises to such second Wife, which she may enjoy during her Life. B. in the Life of his first Wife, suffers a Recovery to the Use*

Use of himself in Fee: By *Rainsford* and *Twissden* against *Hale*. 1. *B.* takes but an Estate for Life. And 2. That the Power to make a Jointure was destroyed by the Recovery; for Powers, appendant to Estates, as to make Leases, Jointure, &c. are destroyed by the Alteration of the Estate to which it is annexed in Privy; so that the Common Recovery being a Forfeiture of the Estate for Life, by consequence it is an Extinguishment of the Power. Here the Recovery doth not only bar the Estate, but all Powers annex'd to it; for the Recompence in Value is of such strong Consideration, that it serves as well for Rents, Possibilities, &c. going out of, and depending upon the Land, as for the Land it self. But *Hale* was of a contrary Opinion, because he conceived *B.* had an Estate-Tail. 1 *Vent.* 225.

Recovery had
against Tenant
for Life.

At Common Law, a Recovery against Tenant for Life, with Voucher upon true Warranty (not by Covin) and Recovery in Value should bind him in Remainder; but it is resolv'd in *Pelham's Case*, 1 *Rep.* a Common Recovery had against Tenant for Life is a Forfeiture of his Estate, and the Act of 14 *Eliz.* doth not extend to preserve any Remainder or Reversion, expectant upon an Estate-Tail, where Tenant for Life is impleaded, and Tenant in Tail is vouched. 1 *Rep.* *Fenning's Case*.

A Rent reserved upon a Gift in Tail, is not barred, but remains as a collateral Charge upon the Land, distrainable of common Right. But if there had been a Condition of re-entry, this had been barred. 3 *Co.* *White and Gerish*.

Recoveries.

In 2 Lev. 30. in *Hudson and Benson's Case*, *Hale* said, 9 *Eliz.* it was doubted, if Tenant in Tail be, the Remainder for Years, and Tenant in Tail suffer a Recovery, if the Lease for Years shall be barred, because it was said no Recompence in Value shall go to this, being a Chatel; but he said constant Experience hath taken it that the Lease shall be barred.

A. Tenant in Tail, Remainder to *B.* in Tail; *B.* grants a Rent-charge, *A.* suffers a Common Recovery, and dies without Issue, the Grantee distrains; the Alienee of *A.* brings a Replevin: Adjudged for the Alienee, by all the Judges of *England*, that a Common Recovery against a Tenant in Tail, shall bind not only the Remainder and all Leases, Charges, &c. granted, or made by him in Remainder, but also the Reversion, and all Leases, Charges, &c. granted by him in Reversion. *Capel's Case*, 1 *Rep.*

Where a Common Recovery shall be good, notwithstanding a Grant to the Queen.

J. *P.* Tenant in Tail, Remainder in Fee to *T. P. T. P.* by Deed enrolled grants his Estate, Right and Remainder to Queen *Elm.* in Fee, during the Life of *J. P.* and after his Death, so long as any Issue male of *J. P.* shall live. *J. P.* suffers a Common Recovery, and dies without Issue, *T. P.* enters. *Per Cur.* The Common Recovery shall bar the Remainder of *T. P.* notwithstanding his Grant to the Queen; for the Grant to the Queen is void, because it can never come in Possession; for by the Death of

of *J. P. Tenant in Tail sans Issue*, the Estate of the Queen is determin'd ; but if such Grant of the Reversion had been made to the Queen, it had been good, because, during the first En-tail, there shall be an Attendancy for the Ser-vice, &c. *Yelv. 249. Pool and Needham.*

Tenant in Tail of Lands, the Remainder to another in Fee, he in Remainder by Deed indented and enrolled in Consideration of Blood, &c. as for other good Considerations, doth covenant to stand seiz'd to the Use of him-self, and the Heirs male of his Body, and for Default thereof, to the Use of the Queen, her Heirs and Successors ; after the Tenant in Tail in Possession suffereth a Common Recovery with Voucher. It was adjudg'd that the Issue in Tail was barred, for good Considerations are too general to raise an Use without Special Averment, that valuable or other good Consi-deration was given. Resolv'd also, That the Land should continue in his Name and Blood, is not a Consideration to raise an Use to the Queen, though the Limitation to her were for the Preservation of the Tail against Discon-tinuances and Bars, for there wants *Quid pro Quo.*

And admit the Consideration had been suf-ficient to raise an Use to the Queen, yet that would not preserve the Estate-Tail by Force of the Act 34 H. 8. for no Estate-Tail is pre-serv'd by Force of the said Act, except the same Estate-Tail be of the Creation or Provi-sion of the King, and not where the Estate-Tail is given or created by a Common Person with-out Provision of the King, as may appear by the Preamble of the Act. 2 Rep. *Wiseman's Case, Moor, N^o. 953.*

Z 4

A Rent

Recoveries.

A Rent is devised to one *de novo*, and to the Heirs male of his Body, and for Default of such Issue to another, and the Heirs male of his Body; the first Devisee having no Heirs male, suffers a Common Recovery.

1. It was resolv'd, That a Rent *de novo* may be granted or devised to one for Life, the Remainder in Tail, the Remainder over.
2. It was resolved, That the Recovery is good; and all agreed it to be a Remainder, and not an executory Devise; as if he had said, If *J. S.* die without Issue, I devise *J. D.* shall have a Rent to him, and the Heirs of his Body; and if it were an executory Devise, it could not be barred by a Recovery; for it is clear he cannot have a Recovery, when there is no Privity in Law. *Car. Rep. 52. Smith and Farnaby.*

Pleadings.

Who may falsify.

Estoppel,

A Recovery was suffered by Tenant in Tail in Remainder; it was agreed, it did not bind the Issue in Tail, but that he might falsify it; but if he in Remainder in Tail or Fee-simple suffer a Common Recovery, he and his Heirs cannot plead that they had *nihil in Tenementis*, but are estopped; for the Right and Estoppel concur upon one Heir, who is liable to the Estoppel of his Ancestor, as he is to inherit his Land: But it is not so of a Remainder or Reversion in Tail. *Moore N^o. 402. Briscot and Chamberlain*, and so is *Godb. N^o. 189.* If he in Reversion suffers a Recovery to divers Uses, his Heirs cannot plead that his Father had nothing in the Land at the Time of the Recovery, for

for he is estopped to say, that he was not Tenant to the *Præcipe*.

Error was brought on a Fine in *Lancaster* by Tenant in Tail; the Tenant in the Writ of Error pleads in Bar a Common Recovery had against the Cognisee of the Fine, with the Voucher of the Tenant in Tail; and it was resolv'd, That where Tenant in Tail comes in as Vouchee, he doth bar the Issue in the Writ of Error, to reverse the erroneous Fine that he himself hath levied. *Moor* 499. *Bar-*
ton and Lever.

It is a necessary Form in pleading a Fine or Recovery, which is a Record, to be pleaded entire, whereas a Feoffment may be pleaded of Parcel of the Land only. *Hobart* 24.

Recovery is a Record, and must be pleaded entire.

The Forms of pleading a Recovery, *Vide* *Lincoln College's Case.* 3 *Rep.*

Note, If one plead a Record, he ought to shew a Record at the Day appointed. 2 *Rol. Rep.* 133.

One must plead a Recovery in an inferior Court specially, and not *Quod cum recuperasset*, as in the Superior Courts at *Westminster.* 1 *Keb.* 18.

Further

Further Observations on Recoveries, in certain Special Cases.

TENANT in Tail General, having Issue two Sons, the eldest had Issue a Daughter, and died, his Wife with Child of a Son; the Father suffer'd a Common Recovery to the Use of himself for Life, the Remainder to the Recoverors for twenty-four Years, the Remainder to the Heirs male of his Body, the Recovery was had retornable *Oftob. Mich. viz. 9 Oftob.* Upon that Day in the Morning the Tenant in Tail died, and after a Son was born, and if the Uncle, or Son new born, or the Daughter, should have the Land, was the Question of all the Justices. It was resolv'd, That the Issue male of the Body should have it; for if it be by Purchase, because of the mean Estate for Years, the Uncle may not have it; for he that takes it must be Heir, as well a Male; and the Daughter of the eldest Son is Heir; and it shall be to her by Discant till the Son is born; and by all the Justices; The Recovery is well executed against the Issue in Tail, because of the Recovery in Value. *1 Rep. Shelley's Case.*

Tenant for Life
suffers a Recovery by Voucher of him in
Remainder.

Tenant for Life, the Remainder in Tail the Remainder in Fee; Tenant for Life suffered a Recovery by Voucher of him in Remainder in Tail, who vouched the Common Vouchee: It was resolved in the Exchequer-Chamber, in a Writ of Error, that the Remainder in Fee was barred, as well as if the Tenant in Tail had been the Tenant.

Tenant to the first *Præcipe*. *More*, N^o.

1 Lev. 104. it was moved in B. C. If a Common Recovery be to pass at the Bar, and the Tenant is ready at the Bar, and voucheth A. to Warranty, for whom he is ready at Bar to appear for the Vouchee by his Warrant of Attorney: It was holden, that this appearance was meerly void, for in this case the Vouchee must appear in Person, because without Summons; but where Summons issueth, and it is enter'd upon the Roll, where the Vouchee, at the Return, may appear in Person, or by Attorney, at his Election; and this was the Opinion of all the Justices and Prothonotaries.

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I

AN
APPENDIX

To the Treatise of

Fines and Recoveries, &c.

FOR the better Illustration and Explanation of the precedent Treatise, it has been thought necessary to collect such modern Cases and legal Resolutions as are to be met with in our Books, relating to the Subject Matter of the said Treatise; and to add the same thereto by way of *Appendix*, in such a Method as that they may with Ease be reduced to their proper Heads and Titles, according as the Figures in the Margin hereof respectively refer.

And first as to Fines, the following Cases may be thus reduced, *viz.*

A *Fine* is said to be an Instrument on Record, &c. and *Note*, in our Books it is commonly call'd a Feoffment of Record. But see *bk.* 340. where the Court denied a Fine to be a Feoffment of Record, and said 'twas im-

Pag. 12.
A Fine, how a Feoffment of Record.

a pro-

properly so called : But that the Meaning was that it had the Effect of a Feoffment to some Purposes, if he that levied the Fine, was seized of the Freehold at the time of levying it.

Note also, A Fine is said to be the most effectual Feoffment of Record where 'tis a Feoffment; and the most effectual Release where 'tis to be a Release. 2 *Mod.* 110. Vide *Fines sur concessit*, *infra*.

Pag. 2. Marg.
May be levied
in any Real
Writ or Action.

'Tis said a Fine may be levied on a Writ of Right, or *Warrantia Chartæ*, &c. So in *Salk.* 340. 'tis resolved, a Fine may be levied on a Writ of Right Close, or other Writ in any Real Action, but not on an Original in a Personal Action; and that the common Writ of Covenant, on which a Fine is levied, is not a Personal but a Real Action: For tho' it is to have Damages for a Breach of Covenant, as in Personal Actions, yet it is to have an Execution and Performance of the Covenants by Seisin of the Land *Vide* 5 *Co.* 59. *F. N. B.* 146. *F. 2 Inst.* 514. *Kel.* 90. 1 *And.* 71. b. 4 *Inst.* 207.

Pag. 3.
Fines sur concessit, their
Nature, &c.

The kinds of Fines are enumerated, and the Nature of a Fine *sur concessit*, in part shewn. To which may be added what is said 2 *Mod.* 111, 112. That a Fine *sur concessit* has been always taken to be the most harmless (and of less Operation in the Law) than any other, and compar'd only to a Grant of *totum statum suum, & quicquid habet*, &c. by which no more is granted than what the Confeuzor had at the Time of the Grant, and consequently that it shall not work a Disseisin (to a third Person.) Also, That no more shall pass by such a Fine, than what lawfully may (without Prejudice to another.) And rather than it shall be construed to work a Wrong, the

State shall pass by Fractions, and the several Interests remain separate, notwithstanding such Fine. 2 Mod. 112.

Indeed there is Fine *sur concessit* which expresses no Estate of the Grantor, and this is properly levied by Tenant in Fee or in Tail, (and passes the whole Estate, &c.) But when particular Tenants pass over their several Estates by such Fine, they generally grant *Totum & quicquid habent in Tenementis predictis*; not expressing what particular Estates they have therein. *Ib.*

Another kind thereof.

Note, When this Fine was first invented, the Judges, in those Days, looked upon the words *quicquid habent*, &c. to be insignificant; and therefore 17 E. 3. 66. they were rejected: Where two Husbands and their Wives levied such a Fine with those words; and the Judge would not pass it, because if the Parties had nothing in the Land, nothing pass'd by such Fine. *Vide* 44 E. 3. 36, &c. accord. *Vide plus de hoc arguendo.* 2 Mod. 110, 111, 112, &c.

Its Operation when first invented.

To what is said of Fine *Sur Done*, Grant and Render, add the Case of *Price vers. Lang.* 2 W. & M. Intr. Hil. 2 & 3 Jac. 2. R. Rot. 1059. viz. H. seized in Fee, as Heir of the part of his Mother, together with his Wife, levied a Fine to A and B. with Warranty; and A and B. by the same Fine, did grant and render the Lands to the Husband and Wife in Tail, Remainder to the Heirs of the Husband: The Husband and Wife dies *sans Issue*; and the Question was, whether the Heir *a parte paterna*, or *a parte materna* should take the Lands by this Fine? It was argued, *a parte Materna*, That the Sei-

Pag. 4, 5.

A Fine with Grant and Render, is tantamount to a Feoffment and Re-feoffment and creates a new Estate.

zin of the Conuzee is fictitious ; for if the Conuzee were Tenant for Years, the Term would not thereby be extinguished ; and that he is like to a Surrendree of a Copyhold, nothing but a meer Instrument ; and therefore that nothing was altered by the Fine, but that the Use and Estate remained as before. But on the other side it was said, That the Conuzee could not render if he had not the Estate in him ; and that the Render was a Re-infeoffment : And of that Opinion was the Court, who held, That the Estate was (by this Fine) once put in the Conuzee, and the Fine and Render is a Conveyance at Common Law, and the Render makes the Conuzor a new Purchasor, as much as a Feoffment and Re-infeoffment at Common Law. *1 Salk. 337.*

Pag. 5, 6, &c.
Fines Sur conuzance de Droit come ceo, &c.

Tho' they imply a Fee Simple, yet may be qualified by an express Limitation.

And as to *Fines Sur cognizance de Droit*, &c. it is to be observed, That this kind of Fine is intended whenever a Fine is generally mentioned throughout the Book.

Also Note the fourth Resolution in the Case of *Hunt and Bourn, Hill. Anæ B. R. viz.* That a Fine *Sur Conuzance de Droit come ceo, &c.* *que il ad de son Done*, generally implies, that a Fee-simple passes thereby : But it is only so by Implication ; and therefore there is no Reugnancy to limit an Estate for Life, &c. to the Conuzee. For the Generality of the precedent Donation, may be thereby expressed to be for Life only, or in Tail : And the general Intendment of the Conuzance may be qualified by an express Limitation. *Vide 41 E. 3. 14. Co. Lit. 9. b. 1 Salk. 340. 341.*

Touching

Touching the Concord of a Fine, it is to be observ'd, That a Fine shall be said to be of the same Term the Concord was made, (i.e. if the King's Silver be paid:) As was resolved in the Case of *Lloyd vers. Viscount Say and Seal. Mich. 10 Annæ B. R.* where a Fine was thus, viz. *Hæc est finalis concordia facta in Curia Regis apud Westm. a die Sancti Mich. in tres Septtimen. Anno Decimo Will. Tertii, coram Tho. Trevor, &c. Et postea in Crast. Sanctæ Trinitat. 1 Annæ concess. & recordat. coram eisdem Justiciariis.* So that the Concord was of one Term, and the Recordat. of another Term following; and therefore the Question was, Of which Term this should be said to be a compleat Fine? And per Cur. 'Tis a Fine of that Term the Concord was made, and of which the Writ of Covenant was returnable: For the *Concordia facta in Cur.* is the compleat Fine; and the *Concessit Recordat.* is only the Leave of the Court to Inroll it. *Vide 5. Co. 68. Hob. 330. 2 Vent. 47. 1 Salk. 341.*

A Fine is of that Term the Concord is made, and Writ of Covenant returnable.

And to this Purpose is the Case of *Warncomb and Carril*, cited in *3 Mod. 141.* which was, Husband and Wife, levied a Fine of the Wife's Lands by *Dedimus*, in Lent-Vacation, the being then but Nineteen Years of age: But the King's Silver was entered in *Hillary* Term before, and she died in the *Easter* Week; and upon Motion the first Day of *Easter* Term to stay the Engrossing of the Fine, the Court deny'd it; for they held it to be a good Fine.

Husband and Wife. Vide p. 138. 145. So where by a Fem. Covert dying before the Inrollment.

But see a Fine levied by an Infant, *Vacated for Infranchisement* without any Writ of Error. *3 Lev. 36.*

Pag. 162, 163.
 Error to reverse
 a Fine, the Cog-
 nizor dying af-
 ter the Caption,
 and before it
 pass'd the
 King's Silver
 Office.

Note, The
 King's Silver
 was endors'd
 as of Hillary
 Term.

Error where one
 of the Conuzors
 dy'd before the
 Return of the
 Writ.

Tenant by Cur-
 tesy.

And so was the Case of *Ball, vers. Cock*
Mich. 3. Jac. 2. in B. R. where a Writ of
 Covenant was tested the first Day of Trinity
 Term, returnable *tres Trinitatis*, and taken by
Dedimus 30 Julii; and the Cognizor died af-
 ter the Caption. and before the Enrollment at the
 King's Silver Office. And in Error to re-
 verse it for that Cause, it was said, That tho'
 a Fine *Sur Conuzance de Droit*, &c. is said to be
 levied when the Writ of Covenant is return'd,
 and the King's Silver duly Entered; and That
 such Fine is good, tho' the Cognizor dies after-
 ward: As *Dyer. 230. 5 Co. 37. Cr. El. 469.*
 Yet if the King's Silver be not entered, &c.
 such Fine may be reversed by Writ of Error;
 for that it is an Action and Judgment, and
 Death of either Party abates it. But the Court
 held the Fine good notwithstanding: The
 Record being *Placita Terræ irrotulat. de Term.*
Sanctæ Trin. Anno primo Jac. And that the
 Suggestion in Error was an Averment against
 a Record. *Vide 3 Mod. 140, 141.*

But in the Case of *Okel vers. Hodgkinson*
Pas. 2 Jac. 2 B. R. The Father and Son joint
 in a Fine, in order to make a Settlement up-
 on the second Wife of the Father, who was
 only Tenant by Curtesy, the Remainder in
 Tail to the Son; and one of the Cognizors
 died after the Caption, and before the Return
 of the Writ of Covenant; and in a Writ of
 Error this was assign'd for Error: And per
 Cur. If it had been in the Case of a Pur-
 chaser for a valuable Consideration, the Court
 would have interpos'd, and shewed him some
 Favour; but here it being to do a Wrong to
 the young Man, they would leave it open to
 the Law.

Of FINE S, &c.

7

Note, Where a Husband entituled to be Tenant by the Curtesie levies a Fine with his Wife, his Right is thereby extinguish'd. *5 Mod. 67. vide infra.*

The Precedent Treatise has also in Part shewn Page 135, 137
the divers Effects and Operations of a Fine, 150, 151.
and how it bars both Privies and Strangers, Effects of a
and how it works sometimes by Estoppel, Fine.
and sometimes by Discontinuance, and some-
times by Extinguishment of Right, &c. To
which may be added these Observations, *viz.*

First, A Fine of Lands in *Ancient Demesne* Bar. Ancient
works a Discontinuance but is no Bar; this Demesne. Dis-
appears by the third Resolution in the Case of continuance
Hunt and Bourn. Hill. 1 Ann. where the Court
held that a Fine levy'd in the Court of *Anci-*
ent Demesne may work a Discontinuance,
tho' that Court is not a Court of Record;
for the Discontinuance is because the Free-
hold is recovered in the Action; For every
Recoveror recovers a Fee-simple, and a Re-
covery of a Fee-simple must work a Discon-
tinuance. But tho' such Fine be a Disconti-
nuance, yet it is not a Bar to an Intail.
For it is by the Stat. 4 H. 7. cap. 24. That Stat. 4. H. 7.
a Fine with Proclamations shall barr an E-
state-tail, and no Fine but a Fine with Pro-
clamations is within that Statute, nor can
bar an Estate-tail. *1 Salk. 240.*

Secondly, A Fine levied by a Remainder Man Fine by a Re-
in Tail binds by Estoppel. This Rule seems to mainder-Man
have been admitted *arguendo* in the Case of in Tail good
Hollis vers Carr. Pasch. 28. Car. 2. in Cancellaria by Estoppel.
where 'tis said, That it would be very
hard to decree the Execution of the Fine in
that Case; for that the Father of the Defen-
dant

dant was alive when the Defendant executed the Deed; and the Father who never seal'd it being Tenant in Tail, the Son who seal'd could have no present Right: And how could a Court of Equity decree a Fine in that Case, whereby a Right may indeed be extinguished, but can never be transferred, and by which no Use can be declared? For tho' such Fine be good by Estoppel before the Estate-tail descends to the Issue; yet no Use can be declared thereupon. 2 Mod. 90.

no Uses
decla.
Person,
cc.

Vide infra.

If levied by
Issue in Tail
it extinguishes
his Estate.
32 H. 8. c. 36.

Thirdly, A Fine levied by the Issue in Tail is an Extinguishment of that Estate. This Rule has been often held, as appears by the Case of Symonds and Cudmore. Hill. 2 W. & M. in B. R. 4 Mod. 4, & 5. And the Reasons and Authorities there cited, See also Show. 370. That upon the Stat. 32 H. 8. c. 36. (That a Fine levied of Lands entailed on the Cognizor, or any of his Ancestors, shall be a Bar against the Person and his Ancestors claiming by Force of such Entail) It has been often held That a Fine levied by a Remainder Man in Tail, during the Estate of a Tenant for Life, was an Extinguishment of the Entail.

Yet the Lease
of Tenant in
Tail good, the
commencing
after his
Death, &c.

Fourthly, Yet a Lease made by Tenant in Tail dying before the Commencement shall be good against a Fine levied by such Issue or Remainder-Man in Tail. As was agreed in the same Case of Symonds and Cudmore Jutr. Hill. 5 W. & M. Rot. 743. Which as it is reported in 1 Salk. 338. is thus, viz. In Ejectment a special Verdict found A. Tenant in Tail in Reversion after a Lease for Years, Remainder to Issue in Tail in Fee. A. made a Lease to commence at a Day to come, and died before

fore the Day having Issue, who afterwards, and before the said Day, levied a Fine: And agreed *per tot Cur.*

First, That the Remainder in Fee stood chargeable with this Lease, and it should have been served out of the Remainder in Fee, had the Tenant in Tail died without Issue.

Secondly, That the Estate-tail was ex- *Vide infra.* tinct by the Fine, as much as if Tenant in Tail were dead without Issue; for these Reasons, *viz.* 1. Because two Fees immediately expectant one upon another cannot subsist in the same Person. 2. Because by 32 H. 8. St. 32 H. 8. c. 36. The Fine is declared to be a Bar and a Discharge of the Estate-tail. 3. Because the Stat. of *West.* 2. having made Estates-tail St. *West.* 2. a kind of particular Estates they are (the Protection of the Statute being gone by the Fine) like all other particular Estates, subject to Merger and Extinguishment, when united with the absolute Fee. And several Cases are there put to prove it.

And by that Book three Judges deny'd *Co. Litt.* 46. b. and held the Issue in Tail had Election either to avoid or affirm the Lease, and that by *Westm.* 2. but that the Conuzee had not. For that the Power and Privilege is personal and cannot be transfer- *Vide infra* ed. But Note Holt Chief Justice differed and *N^o. 7.* held the Lease actually void *quoad* the Issue. as if Tenant in Tail make a Lease; and that as by Law no Act is necessary to be done to avoid the Lease, so the Fine in this Case does not prevent its being void.

Fifthly, Where a Husband entituled to be Tenant by Curtesie levies a Fine with his Wife, *Fine by three, and reversed by two only.* his

his Right is extinguished. This Rule is laid down obiter in the Case of *Winchurst and Masely. Mich. 7 W. 3.* On Motion to quash the Party's own Writ of Error brought to reverse a Fine; for that one of the Parties to the Fine, was omitted in the Writ of Error. The Court refus'd it saying, They could take Notice of nothing but what was on the Record and not of a foreign Suggestion; and cited a Case where a Fine being levied by three, two of them brought Error and revers'd it; for perhaps the other has nothing in the Land.

Fine by Tenant by Curtesie, extinguishes his Right.

But if one entitled to be Tenant by the Curtesie joins with his Wife in a Fine of those Lands, to which he is so entitled; *Quare* Whether his Title to be Tenant by Curtesie be not extinguish'd if the Fine be reversed after her Death? Indeed if it be reversed in her Life-time he may have a new Title. But if he makes a Feoffment on Condition of her Lands, and she dies, and then the Condition is broken, shall he be Tenant by Curtesie? *Quasi diceret, non. 5 Mod. 67.*

Fines working by Disseisin.

Sixthly, Fines may operate by Disseisin when they can have no other Interpretation. In the Case of *Piggot vers. the E of Salisbury, Mich. 28 Car. 2.* 'tis said to be agreed, That Fines may work a Disseisin when they can have no other Interpretation; as if Tenant *pur autre vie* levy a Fine to a Stranger for his own Life, 'tis more than such a Tenant could do because his Estate was only during the Life of another, and no longer. So a Fine *sa Conuzance de droit*, &c. implies a Fee, which being levied by any one who has but a particular Estate will make a Disseisin. *Mod. 112. sed vide supra.*

Seventhly

Of FINE S, &c.

II

Seventhly, But in the same Case. 2. *Mod.* Where it di-
 17. 'Tis said that in Case of a Fine a Lease ^{vests or dis-}
 or Years is an Impediment, or displacing of ^{places an Es-}
 the Reversion. For if Tenant in Tail Ex- ^{tate.}
 ectant upon a Lease for Years levy a Fine,
 is a Discontinuance of the Tail; and not-
 withstanding the Lease, the Fine has such an
 operation upon the Freehold, that it displaces
 the Reversion in Fee. *Co. Lit.* 32. *Vide supra.*
 Eighthly, Where one is in Possession by virtue
 of a particular Estate for Life, &c. and accepts
 a greater Estate, it shall not divest the Estate of
 those in Remainder for Life, so as the same may
 be barred by Fine and Nonclaim.

This Rule seems to be cleared *arguendo* in
 the Case of *Smith and Pierce. Pasch. 4 Jac. 2.*
R. Where a Term for Years was devised
 for Payment of Debts with a Remainder
 over in Tail; he in Remainder enters and
 levies a Fine and settles the Land on his Wife
 for Life, and dies, the Wife survives, and
 the Debts not paid, and 'twas insisted the
 said Term was not barred by this Fine and
 Nonclaim, *sed adjournatur.*

But in the Argument of the same Case
 this further Case seems to be proved, *viz.*
 Where a Lease is for 100 Years in Trust to
 extend the Inheritance, and *Cestui que trust* be-
 coming in Possession, demises to another for fifty
 Years, and levies a Fine, and five Years pass,
 the Term of a hundred Years is divested by
 such Fine and Nonclaim, and is turned to
 Right, and so barr'd. *Vide 3 Mod.* 195, 196.

Touching the Time of Claim, *vid Lib.* 142.
 And where a Fine shall work by Remitter.
Vide Lib. 152.

The

Page 159.

The next Subdivision of the Treatise is that touching the *Uses* of a Fine; to which may be added the following Rules.

*Deeds of Uses
subsequent.*

First, *Where the Uses are declared by a subsequent Deed, varying from the Fine (in some small Circumstance) there the Parties and their Heirs are bound, but not Strangers.* This Rule seems to be proved *arguendo* in the Case of *Jones v. Morley. Pasch. 6 W. & M. in B. R. 4 Mod. 263, 264.*

Precedent.

Secondly, *But where the Deed of Uses is precedent, and the Fine levied afterwards, varies from the Deed, the Fine stands single, and all the Parties may aver against the Uses, as appears by the same Case of Jones versus Morley Vide ibid.*

Uses Variant.

Thirdly, *And where two Deeds of Uses are made at several Times between the same Parties of the same Land, but varying in the Limitation, &c. The Uses of the Fine levied afterwards shall be guided by the last Deed.* This was adjudg'd in the said Case of *Jones versus Morley. 4 Mod. 263, 269.* and the same affirmed in the House of Lords.

Fourthly, *See also the Case of Davies versus Speed. Intr. Hill. 3 W. & M. B. R. Rot. 267.* Where Husband and Wife covenanted to levy a Fine of the Wife's Land to the Use of the Heirs of the Body of the Husband or the Wife begotten. And held *per Cur.* That the Limitation of the Uses was void. See the Reasons 2 Salk. 675. And note the Case in *Bridgeman* 112. cited 4 Mod. 267. Where the Uses of a Fine to be levied by Husband and Wife were declared by two Deeds precedent but variant *inter se*: And adjudged, that the Uses should be guided by the first Deed, be-
cause

ause 'twas proved the Wife disagreed to the
atter.

The next Division is touching the Avoiding Page 161,
Reversal of Fines by Writ of Error, &c. 162.
to which may be added these Rules, viz.

First, That a Writ of Error de Recordo quod
tran vobis, &c. lies in B. R. on Affirmance
ere of a Fine levied in C. B. This was resol-
ed in the Case of *Winchurch and Belwood*.
asch. 4 W & M. B. R. vide 1 Salk. 337, 338.

Reversal of
Fines by Error,
&c.

Secondly, And yet the Writ of Error in B. R.
reverse a Fine in C. B. removes the Trans-
cript only, and not the Record it self. See the
same Case. 1 Salk. 337, 338. and the Case
of *Fazakerly and Baldo*. ib. 341.

Thirdly, But if the Court of B. R. adjudge
the Fine erroneous, then a Certiorari goes to the
Clerk of the Court to certify the very Fine, and when
it comes up it is actually cancelled. Per Holt
Chief Justice in the said Case of *Fazakerly*,
ib. 1 Salk. 341.

Fourthly, And on Error to reverse a Fine a
Scire facias must go against the Tertenants; for
the Conusees are (often) but nominal Per-
sons. Per Cur. Hill. 6. W. 3. in B. R. 1 Salk.
339. and 2 Salk. 598. The same Rule is af-
firmed and said to be for fear of Purchasers,
and in favour of them: and tho' in Strict-
ness of Law a Scire facias being returned a-
gainst the Conuzees is sufficient, yet the
course of the Court is to have it also against
the Tertenants. 1 Salk. 339.

Fifthly, But in some Cases a Fine may be re- By Inspection
versed or vacated without Writ of Error; as was of Infant Sans
done in *Hutchinson's Case*. Mich. 33 Car. 2. Writ of Error.
C. B. Where H, and his Wife (she being
an

an Infant of sixteen Years) levied a Fine on her Lands, and paid the King's Silver and got the Fine perfected and exemplified; but on the Complaint of him in the Remainder in Fee depending on the Estate-tail of the Wife; the Husband and Wife were brought into Court by Rule and examined, and thereupon the levying of the Fine and the Infancy appeared, and the Infant's Father and Mother came also into Court, and prayed that the Fine might stand; and tho' *Meynard* for them insisted, that it ought not to be vacated, the King's Silver being paid, yet on View of the Roll in *Pierpoint's Case*. *Hill. Fac. 1. Rot. 70.* and other Precedents cited the Court vacated this Fine, and caus'd the Exemplification thereof to be brought into Court and deliver'd up, and order'd him in Reversion to prosecute an Information against the Commissioners who took the Conuzance of the Fine. But *note*, the Vacate was entered *quoad* the *Feme tantum*. And in *Trin. 3. Car. 2.* another Fine levied by Sir *Robert Massam* and his Wife an Infant, was vacated for the same Cause. *Vide 3 Lev. 36.*

Page 166.
Pleading.

Touching Pleas to a Fine. See the several ways of pleading a Fine in the Case of *Hudson*, vers. *Benson*, 2 *Lev. 31.*

Page 167
Execution.

And as to the Execution of a Fine, See the Case of *Lever* vers. *Hofier*. 2 *Mod. 48, 49* where 'tis held *per Cur. 1st.* That a Fine or Recovery of Lands in a *Lieu conus*, is good.

And *2dly.* That in a *Sci. fa.* to have Execution of such a Fine, the Vill must be named.

And

Of F I N E S, &c.

15

And *Lastly*, Both as to Execution of a Fine Page 168.
and Attornment thereupon, see what is said *Attornment*.
in the Case of *Pigot* and *Lee*, 2 *Mod.* 117.

And herewith I shall conclude the first Part
of these Additions touching Fines, and next
proceed in the same Order with that of *Com-
mon Recoveries*.

Of

Of Common Recoveries.

Page 170, 171.
Common Recoveries when
first invented.

Estates-tail on
what Occasion
introduced.

Stat. de Do-
nis Condi-
tionalibus.

IN the Introduction of this Part of the foregoing Treatise, it is partly shewn how and upon what Occasion Common Recoveries were first invented: And *note*, the Occasion was for barring Estates-tail when they became inconvenient, &c. To which may not improperly be added that short History of Estates tail and Common Recoveries which is given in the Argument of the Case of *Brown, versus Waite*. 2 Mod. 131, *viz.* As to the Creation of Estates-tail there were no such Estates at Common Law, they were all Fee-simple conditional, and *post prolem suscitata*m, the Condition was performed for three Purposes, *viz.* First, To alien. Co. Litt. 19 a. 2 Inst. 334. Secondly, to forfeit. Thirdly, to charge the Land with a Rent. And thus the Law continued till 13 Ed. 1. cap. 1. *de donis*. And there having been frequent Wars between that King's Predecessors and their Barons, and consequently many Forfeitures of Estates thereby, the great Men of the Realm then obtained that Statute in Order to preserve their Estates if the like Occasion should happen again.

Now that Statute only mentions that the Tenant in Tail should not have Power to alien; but it was well known, that if he could not alien, he could not forfeit; for before that Statute, as he might alien *post prolem suscitata*m,

atam; so the Judges always construed that he might forfeit. 5 E. 3. 14. For Forfeiture and Alienation did always go Hand in Hand. Co. 175. And from the making of that Statute it always continued a settled Opinion, That Tenant in Tail could not alien (and consequently could not forfeit) until by 12 Ed. 4. a Recovery came *Common Recovery.* by which the Estate Tail may be dock'd, 12 E. 4.

After this by the Stat. 4 H. 7. cap. 24. Tenant in Tail might bar his Issue by a Fine *Stat. 4 H. 7. c. 24.* with Proclamations; but all this while it was *Forfeiture of entail'd Lands.* never thought that such Lands could be forfeited for Treason, and this Opinion continued all the Reign of H. 7. For though by his Marriage the Houses of York and Lancaster were united, yet the Great Men in those days thought there might be some Doubt about the Succession after his Death, if he died without Issue, whereby these Differences might be again revived, and therefore no Endeavours were used to make any Alteration in the Law 'till after the Death of H. And after his Son H. 8. had Issue (&c.) all Doubts were remov'd, and being never likely to rise again, then the Act of H. 8. cap. was made, which gives a *Stat. 26. H. 8.* Forfeiture of entail'd Lands in Cases of Treason.

To what Purposes a Recovery, Fine, &c. is respected as Common Conveyances. See *Common Conveyance.* Lev. 29. 55.

Page 175,
176.

Tenants in
Tail and in
Remainder
vouched joint-
ly.

To the Rules touching Vouchees, may well be added what was observed by Holt, Chief Justice, in the Case of *Page v. Hayward*. Trin. 3 Ann. in B. R. 2 Salk. 57 viz.

First, That Tenant in Tail and he in Remainder may be vouched jointly: For if the Tenant to the *Præcipe* vouches the Tenant in Tail to Possession, and him in Remainder jointly, and they jointly vouch over the Common Vouchee; this is good; not but that it may be more regular for him to vouch the Tenant in Tail separately, and the Tenant in Tail to vouch him in Remainder, and the Tenant in Remainder to vouch over the Common Vouchee; that so the Recovery in Value may not be joint but enure severally; yet another Way is sufficient: For where in any adversary Action a *Præcipe* is brought against several, 'tis enough that one of them has the Tenancy of the Land; and if he would plead that he is sole Tenant, and traverse the other having any Thing therein, the Demandant may admit that, and yet proceed as to the writ and the Writ shall only abate as to the Tenant, also the others may disclaim; And as joining a Stranger with a Tenant does not bind so joining a Stranger with a Vouchee does not; for he is but *in Loco Tenentis*, a Tenant by the Warranty. 20 E. 3. 10. 2 E. 3. Bro. Several Tenancy. 3, 4, 19 H. 6. 14, 276.

Tenant to the
Præcipe vouches a Stranger who vouches Tenant in Tail.

Secondly, If the Tenant vouches a Stranger who vouches Tenant in Tail, and he enters Warranty, 'tis good. As if the Tenant in Tail makes a Tenant to the *Præcipe* vouches a Stranger, and the Stranger vouches

the Tenant in Tail, and he the Common Vouchee; this is good, and his being a Stranger is not material, because in Judgment of Law he is become Tenant (by the Voucher) to the *Præcipe*, and a Release to him will be good, whether there be a real Warranty or no. And at Common Law, if a Stranger was vouched, the Demandant could not counterplead it; but by *Westm. 1. c. 40.* he may if he be absent counterplead the Voucher, viz. That the Vouchee and his Ancestors never had any Thing in the Land, *but not of present.* And in a Common Recovery it is enough that the Tenant in Tail comes in and owns a Warranty, for there may be a Warranty *Warranty.* *Sans Seisin, &c.* As suppose an adversary Action *Sans Seisin, &c.* against Tenant in Tail, who has a Warranty, and *&c.* he makes a Feoffment in Fee with Warranty; or levies a Fine with Warranty, and the Feoffee or Conuzee vouch the Tenant in Tail, he may make use of this Warranty; and yet he was not seized of the Estate-tail; but in that Case he may dereign the Warranty and when he recovers in Recompence of his Estate-tail. For

Thirdly, *Whenever Tenant in Tail comes in Tenant in Tail Vouchee, he comes in Privy of all Estates he as Vouchee is* *in Privy of* *all his Estates.* *er had, and consequently may dereign the* *all his Estates.* *Warranty ut supra. Vid. 1 Inst. 385. a. And in* *all his Estates.* *at Case supra the Chief Justice also said, That* *all his Estates.* *the Vouchee's being a Stranger was not ma-* *all his Estates.* *terial, because tho' there be no real Warrant-* *all his Estates.* *yet the Recovery in Value is the same;* *all his Estates.* *and the Admittance of the Tenant in Tail has* *all his Estates.* *made it real. 2 Salk. 571.*

Pag 172. 304. And to what is said touching the End and Effect or Operation of Common Recoveries may be added the fourth Resolution of the Court in the before-mention'd Case of *Page and Hayward*, 2 *Salk.* 570, viz. *That a Condition that runs with the Land, cannot be barr'd by a Common Recovery; aliter, of a Condition Collateral.* In that Case there was a Devise to *M.* and the Heirs Males of her Body, on Condition she marry'd with and had Issue by one of the Name of *Searle*; and in default of both Conditions, to *E.* in like manner; and in default thereof, to *G. Searle* for sixty Years, if he long lived; Remainder to his Heirs Males in Fee. *M.* and *E. C.* the Husband of *E.* joined in a Fine to make one *J.* Tenant to the Precipe; *J.* vouches *M.* and *E.* and *E.*'s Husband, and the Wife of the Devisor, and his second Husband, all jointly, and they all the Common Vouchee; and resolved per Cur.

To A. and the Heirs of her Body by one of the Name of S. is a Tail.

1. That the Devise to *M.* and the Heirs of her Body by one of the Name of *S.* was a good Estate-tail; and so was the Devise to *E.* But it is a special Entail, a middle Estate-tail, not the highest nor lowest; for it might have been to her and the Heirs male of her Body begotten by *J. S.* which had been more particular, and yet a good Entail within the Stat. *de Donis*; for 'tis within the Reach of it.

Words expressing a Condition taken as a Limitation.

2. The words upon Condition, &c. they are exprefs words of Condition, shall be taken as a Limitation in a Will; as 1 *Vent.* 199. 202. (And the Ch. Just. said, saw no Reason why they should not be

instrued in a Deed) and so the Sense
That if she has no Issue by one S. at her
death, the Estate should remain over to E.

3. That the Estate-tail of M. and E. or
either of them, did not cease by marrying
of another Name; for the Remainder
is in default of both Conditions; and in
mean time 'tis limited to her and the
heirs Males of her Body; and she may sur-
vive her first Husband, and marry an S. after:
and so there is a Possibility as long as she
lives.

*That the Tail
did not cease
by marrying
one of another
Name.*

4. And if the Estate had been to M. and the
heirs Males of her Body, by a Searle to be
gotten; *Provided and* upon Condition if she
marry any but a Searle, that then it shall re-
main to J. N. and his Heirs, yet a Common
Recovery suffered before Marriage, will bar
Estate-tail and all Remainders; and tho'
after marry with another, it shall not a-
void the Recovery. And the Court took a
difference between a Condition collateral, and
Condition that runs with the Land: As if
donor reserve a Rent with a Condition to
enter for Non-payment, a Recovery will
bar it: But otherwise, if it be to re-enter
Non-payment of a Sum in gross. 2 Salk.
571.

*Conditions col-
lateral barred
by Recoveries.*

*Vide 1 Mod.
108. 111. &
infra.*

The next Head that should regularly fol-
low is touching Bars by Common Recove-
ries, and what Things, Estates, or Persons,
are barr'd thereby: And hither, besides what is
serv'd *supra*, may aptly be referr'd the
Case of Hudson and Benson, 2 Lev. 28, 29,
Where a Feoffment was made to the Use
of a Tail; and if he dy'd without Issue,

*Pag. 324, 325.
What barr'd by
a Recovery.*

to the Use, That *B* should have a Rent. *A* makes a Lease for Years, and after suffers a Common Recovery. And 'twas resolv'd per *Wylde Justice*,

A Contingent
Rent.

1st. That the Recovery had barr'd this contingent Rent, because it had barr'd all the Estates chargeable thereto. But agreed, if it had been granted precedent to the Feoffment it had not been barr'd.

2^d. That a Rent reserved on a Gift in Tail is not barr'd by a Recovery, tho' a Condition of Re-entry is.

Vide post
una Ratio,
sed non uni-
ca.

3^d. Where there is an Estate-tail and a Remainder for Years, a Recovery may bar both. Also, that the Reason why Recoveries bar an Estate-tail, is not now the Recompence in Value, but for that they are Common Conveyances. And *Note* there fol. 230. the different Reasons of their being a Bar, *quoad* the Issue in Tail, and *quoad* the Remainder.

Pag. 308.
Recoveries by
Baron and
Feme.

In the next Place, to what is said of Recoveries by Husband and Wife, may be added the Case of *Hains* vers. *Barley*, Pasch. 8. W. 5 Mod. 210, 211. where 'tis admitted, That a Recovery cannot be suffered to bar an Estate-tail, where there is an Estate for Life in Jointure, without the Feme joins therein. And 2^{dly}. The Case of *Clithero* vers. *Franklin* Ux. Pas. 2 W. & M. C. B. Rot. 207. where 'twas adjudged, That where an Estate is to *A* and his Wife for Life, Remainder to the Heirs Males of *A*. on the Wife begotten, *A*. cannot dock this Estate by a Recovery, during the Wife's Life, 2 Salk. 568. *Note*, That *C* was thus, viz. The Grandfather had conveyed to stand seized to the Use of himself and his Wife for their Lives; Remainder to the Heirs

Heirs Males of the Grandfather, on the Body of his said Wife begotten, with other Remainders over: The Grandfather suffered a Common Recovery, and died, and his said Wife survived. And for this Recovery, 'twas insisted, That Owen and Morgan's Case was not Law; For if Baron and Feme had an Intirety, then each had the whole, and the Baron might make a Tenant to the *Præcipe* for the Whole. But *e contra* 'twas said, That the Case was never yet questioned; and that the Wife's Estate hinders the Intail from executing (or vesting) in the Husband absolute; so that 'tis only a kind of contingent Estate after the death of his Wife; and the Intail cannot be tacked to the Estate for Life of the Husband during the Life of the Wife; because, during her Life, there is an intervening Estate; and adjudg'd accordingly. 2 Salk. 68. Vide 1 Sid. 83. & prox. Casum.

160. 380.
Vid. 3. Co. 6.
and Manxel's
Case in Plowd.

And as to Recoveries by Infants, &c. add Page 319.
first the case of Stokes and Oliver. Pasf. 8. W. 3.
Mod. 109, 110. Where a Common Recovery being suffered by an Infant Feme Covert, was reversed; and the Error assign'd was, That she being Vouchee and under Age, had appear'd by Attorney: And 'twas said, If she had touch'd in Person or by Guardian, it should not have been reversed for Error after full Age, because a Guardian is made by the Court, who will not admit of any one but such as shall be answerable for the Loss the Infant may sustain through his Default. But an Attorney is made by the Party, and an Infant is not supposed to have Discretion enough to choose an Attorney who will be

By Infant Feme
Covert Reversed.

Vid. Hob. 197.
Cro. Car. 307.
Bridg. 73.
1 Rol Abr. 731.
751, 752.
1 Sid. 322.

faithful to him; and therefore she having here appeared by Attorney, and suffered a Recovery, it shall be reversed for the same after she comes of Age; because it shall be try'd by the Country, Whether the Warrant of Attorney was made when under Age or not?

Neither can the Husband, tho' of full Age, make an Attorney for himself and his Wife, who is under Age, so as to bind the Inheritance of the Wife: But she being the Principal, must be barred by her own Act; and therefore must appear in Court in such manner as the Law hath directed, by reason of her Infancy. And it may be a Question, whether she can be barred by any Act of her own besides that of a Fine; for she is not examined in a Common Recovery; but she is in a Fine.

*Examined in
Fine.*

But this is not like the Case of a Fine levied by an Infant, for that cannot be reversed but by the Infant himself during his Non-age: For it being the act of the Court to suffer such a one to levy a Fine, the Court must therefore reform the same by Inspection, which cannot be after full age. *5 Mod. 210.*

*Precedents of
Recoveries by
Infants.*

Add also the Case of Sir *John St. Alban*, *Trin. 1 W. M. in C. B.*— He being of the age of Nineteen, his Sister, (who was next in Remainder, and also his Heir) having married one of his Footmen, he petitioned the King for leave to suffer a Recovery, who referred it to the Judges of C. B. before whom several Precedents of such Recoveries, suffered by Privy Seals, were cited, *viz.* One *Bivarny*, 1 *Junii*, 10 *Car. 1.* One *Young*, 23 *Nov. 11 Car. 1.* Another 13 *Car. 1.* Another

Another 14 *Car.* 1. Another 1 *Fac.* 2. And two others 2 *Fac.* 2. and another by *John*, the Son of Sir *John Croke*, 10 *Car.* 2. But the Judges observed, that seven of these Petitions were by Fathers upon the Marriage of their Sons, and an equal Recompence given; whereas here *Vide Hob. &c.* was neither Father nor Marriage, to induce *supra.* this Recovery— and said, That this Matter had been carried too far already, and therefore disallow'd it. 2 *Salk.* 567.

The next thing that naturally follows is, *Pag.* 314. touching the avoiding or falsifying Recoveries, or rather of the Reason of their Reversal. But this Matter touching Reversal of Recoveries, having been in part touched on before *ad Pag.* 319. in *Margin.* I shall only here add the Anonymous Case of *Pasch.* 10. *W.* 3. in *B. R.* where a Recovery having been reversed in *B. R.* that Reversal was also there reversed; and so the Recovery remained good, *viz.* A Writ of Error was brought in this Court to reverse a Common Recovery, and there was a *Sci. fa.* issued against all the Tertenants, and they made Default; whereupon it was reversed: But it appearing afterwards, that the Plaintiff in the Writ of Error had no Title, there being a Remainder-man before him, the Court reversed their former Reversal. *Quod nota.* 5 *Mod.* 397.

*Reversing and
avoiding of Re-
coveries.*

*A Reversal
reversed.*

See a Common Recovery reversed with-*scire fac.* out any *Sci. fa.* to the Tertenants. 3 *Mod.* 19. But that Case seems not good; for it is agreed in the same Book, *pag.* 274. That there must be a *Sci. fa.* against both the Heir and Tertenants, when a Writ of Error is brought to reverse a Recovery, &c. *Vide* 3 *Mod.* 274. 1 *Salk.* 339. 2 *Salk.* 598.

Note

*Fine reversed,
yet the Reco-
very good.*

Note, also the Case of Lloyd versus Evelyn. Pasch. 5. W. & M. B. R. In Error to reverse a Common Recovery. It appeared that the Tenant to the Præcipe was made by a Fine, and that the Recovery was suffered, but the Fine was afterwards reversed: And yet 'twas held a good Recovery, for there was a good Tenant to the Præcipe at the time it was suffered. 2 Salk. 568. and Vide 2 Salk. lb. the Case of Lacy versus Williams, That if the Tenant to the Præcipe has the Freehold at any time before Judgment, it is sufficient. Vide infra.

Page 321.

Note, These last Cases may also be referred to the Head touching Tenants to the Præcipe.

Page 332.

*Of pleading
Tenants to the
Præcipe, &c.*

As to the Head of Pleadings in Common Recoveries, add the Case of Wakeman versus Blackwel. Pasch. 28. Car. 2. in C. B. Where in a Quare Imped. the Plaintiff entitled himself to an Advowson by a Recovery suffered by Tenant in Tail; and in pleading the Recovery, he alledges two to be Tenants to the Præcipe, but does not shew how they became so, or what Conveyance was made to them by which it may appear they were Tenants: And after Search of Precedents, the Court inclin'd it was not well pleaded, but gave no Judgment. 2 Mod. 70. See this Case also Reported in 1 Mod. 219. and the Argument of Strode for the Plea: And the Opinion of Pemberton & Cur. contra.

*If the Tenant
has the Free-
hold at any
time before
Judgment, 'tis
good.*

And Note, The before-mention'd Case of Lacy versus Williams, Trin. 11. W. 3. B. R. was, viz. In Error of a Judgment in Ejectment.

ment in C. B. where a special Verdict found, That a Writ of Entry was brought against M. C. returnable *Quind. Martini*, That on the Return he appeared, and the Demandant counted against him, That he vouched *Lacy* the Tenant in Tail, and a Summons *ad Warrantizand.* issued returnable *Octab. Purif.* After the Issue and before the Return of the Summons, viz. 1 Jan. *Lacy* the Tenant in Tail, conveyed to M. C. by Lease and Release for Life: And at the Return thereof *Lacy* appeared and entered into Warranty, and vouched over the common Vouchee, and so a Recovery was had.

And this being held good in C. B. Pratt (Serjeant) for the Plaintiff in Error insisted in B. R. that M. C. was not Tenant to the *Præcipe* at the Return of the Writ of Entry: He agreed, if he had purchased before the Return thereof, the Recovery had been good (*aliter*, if after, as here) to bind Strangers, or the Issue in Tail, though it might be good between the Parties by way of Estoppel. *Vide* 1 Rol. 868. 21 E. 3. 5. 5 H. 6. 1. 18 E. 4. 26. 9 E. 4. 12. 3 H. 6. 34. *Ratio.* Because the Tenant could not render the Lands at the Return of the Writ of Entry; and a Voucher always supposes a Seisin: For 'tis always a good Counter-plea, That the Voucher had nothing at the time of Voucher, and the *Nec unquam postea* is not material: And if the Tenant pleads not *Non-tenure*, as he might and ought, that only binds himself, and those that are Parties and claim under him by Estoppel.

Counter-plea of
Voucher.

Non-tenure.

An APPENDIX

Econtra, argued, The Issue shall be bound where he may have Execution for the Value, as 3 Co. 5, 6. 12. E. 4. 19. And 'tis not a sufficient Counter-plea of Voucher, to say the Voucher had nothing *Tempore, &c.* without adding *Nec unquam postea*. *Rast.* 367. 126. And so it is of *Non-tenure*, *Rast.* 273. Where the Tenant appears on the Return of the Writ of Entry and a Recovery is then had, there the Tenant must have the Feehold in him at the Return of the Writ, because 'tis a Recovery then suffered: But otherwise, where there is a Voucher over, or Interpleader as in this Case, for there it is sufficient if he become Tenant before Judgment. 41 E. 3. 5. 8 E. 3. 32. 10 E. 3. 2. And of this last Opinion, both as to the Counter-plea of Voucher, *Non-tenure, &c.* was *Holt Ch. Just.* 2 *Salk.* 51.

Interpleader.

Vide 1 Mod.
218.

And he also held, That if the Tenant to the *Præcipe* gains a Freehold before Judgment, 'tis sufficient, for it can't be said to be a Recovery against him that had nothing, and therefore a Writ may be made good by a subsequent Purchase, and so may a Voucher; and 'tis the more reasonable, because the Demandant may have a good Cause of Action, tho' the Tenant have not the Land; for 'tis not his being Tenant to the *Præcipe*, but the Demandant's having a Right to the Land, that is the Foundation and Cause of the Action; and therefore 'tis sufficient in Law, if the Tenant have the Land to render at any Time before Judgment. And the Judgment was affirmed *nisi causa*.

And

And afterwards Cause was endeavoured to be shewn why Judgment should not be affirmed, and for that Purpose was cited. 18 E. 3. 13. 18 E. 4. 26. and 2 Roll. 764. *sed non allocatur*: And then Holt Chief Justice further observed, That the Recompence in the Case of Common Recoveries was *Ratio una*, but *non unica* why they barr'd; for a Reversion expectant is thereby barr'd, and yet the Recompence cannot extend to that; which he said was a bold Advance in Favour of Common Recoveries. *And the Rule made absolute.* See also concerning Pleading in a common Recovery the Case of *Leigh v. Leigh. Hill. 3 W. & M. in C. B. in 2 Lutw. 1548, 1549, &c.*

A Reversion Expectant barred.

Recompence. Ratio una, non unica.

To those further Observations touching Recoveries, with which the precedent Treatise concludes, may be also added these that follow, *viz.* Page 334.

First, Where a common Recovery is suffered of Lands in S. and the Liberties thereof, it shall pass Lands in another Vill within the same Liberty, tho' such other Vill be not expressly named. 1 Mod. 206. *vide* 2 Mod. 47, 48, 49.

Lands in Liberties. Vill.

Secondly, Where there is a Parish and a Vill within the Parish of the same Name, and a Recovery is suffered of Lands in the Vill without naming the Parish, but the Parish is named in the Indenture to lead the Uses, they make but one Conveyance, and the Lands in the Parish pass as well as those in the Vill. 2 Mod. 233. 234. *vide* 1 Mod. 250, 251, &c.

Parish.

Thirdly, See the Case of *Jones v. Morley. Ufer. Pasch. 6. W. & M. in B R.* where the Uses of

Of Recoveries, &c.

a Fine or Common Recovery having been declared by a former Deed, were afterwards changed by a subsequent Deed which controlled the former: 4 Mod. 261, 262, &c. *Vide ante of the Uses of Fines.* And this Judgment was afterwards affirmed on a Writ of Error in the House of Lords. *Vide Parliament Cases, 140, 146.*

Some further Observations might here be made touching the Uses of Common Recoveries; but the same for the most part having been already taken Notice of in that Part of these Additions which relates to the Uses of *Fines*, the Reader is desired to have Recourse thereto, the same being generally also applicable to Recoveries, *mutatis mutandis.*

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